

STAND. COM. REP. NO.

764

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 1
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE, AND CULTURE,"

beg leave to report as follows:

The purpose and intent of this measure is to provide for the recognition of Native Hawaiians as the indigenous people of Hawaii and establish a process for the reorganization and recognition of a Native Hawaiian governing entity.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands; the Association of Hawaiian Civil Clubs; and one individual. Your Committees received testimony in opposition to this measure from Aha Hawai'i 'Oiwī, the Native Hawaiian Convention; the Hawai'i'imiloa Movement; and twenty individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs and the Mainland Council of the Association of Hawaiian Civic Clubs.

Your Committees find that the federal Native Hawaiian Government Reorganization Act of 2009, commonly known as the "Akaka Bill", proposes to establish a process for indigenous Native Hawaiians to gain federal recognition similar to that of an Indian tribe. Two of the goals of federal recognition are to protect the Hawaiian Home Lands trust from Fourteenth Amendment challenges and to advance Native Hawaiian self-governance and

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self-determination. While federal recognition by Congressional legislation is currently stalled, state recognition of the Native Hawaiian people is necessary and achievable.

Your Committees believe that the State must give full recognition of Native Hawaiians and provide assistance and funding to facilitate their self governance through a Native Hawaiian governing entity, of, by and for Native Hawaiians.

Your Committees have amended this measure by:

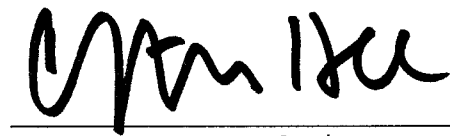
- (1) Revising the definition of a "qualified Native Hawaiian" for the purposes of clarity; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and accuracy.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



DAVID Y. IGE, Chair

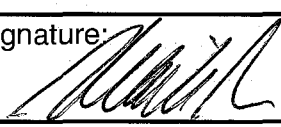


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

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|---|---|---------------------------------------|----------------------------------|----------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 1, SD 1 | HWN/WLH, JDL/WAM | 2/28/11 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input type="checkbox"/> Pass, unamended 2312 | <input checked="" type="checkbox"/> Pass, with amendments 2311 | <input type="checkbox"/> Hold 2310 | | |
| <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| HEE, Clayton (C) | ✓ | | | |
| SHIMABUKURO, Maile (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| IHARA, Jr., Les | | | | ✓ |
| SLOM, Sam | | | ✓ | |
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| TOTAL | 3 | 0 | 1 | 1 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
|  | | | | |
| Distribution: | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | |

*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

| Bill / Resolution No.:* | Committee Referral: | Date: | | |
|---|---|---------------------------------------|----------------------------------|----------|
| SB 1, SD1 | HWN/WLH, JDL/WAM | 2-28-11 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input type="checkbox"/> Pass, unamended 2312 | <input checked="" type="checkbox"/> Pass, with amendments 2311 | <input type="checkbox"/> Hold 2310 | | |
| <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| IGE, David Y. (C) | / | | | |
| KIDANI, Michelle N. (VC) | / | | | |
| CHUN OAKLAND, Suzanne | | / | | |
| DELA CRUZ, Donovan M. | / | | | |
| ENGLISH, J. Kalani | / | | | |
| ESPERO, Will | | | / | |
| FUKUNAGA, Carol | | / | | |
| KIM, Donna Mercado | / | | | |
| KAHELE, Gilbert | / | | | |
| KOUCHI, Ronald D. | / | | | |
| RYAN, Pohai | / | | | |
| TOKUDA, Jill N. | / | | | |
| WAKAI, Glenn | | / | | |
| SLOM, Sam | | | / | |
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| TOTAL | 9 | 3 | 2 | 0 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| <i>Michelle N. Kidani</i> | | | | |
| Distribution: | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | |

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