



GOV. MSG. NO. 1346

July 12, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

I am transmitting herewith SB23 SD1 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB23 SD1 HD2 CD1

RELATING TO NATIVE HAWAIIANS

Sincerely,
A handwritten signature in black ink that reads "Neil Abercrombie".

NEIL ABERCROMBIE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 23

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 23, entitled "A Bill for an Act Relating to Native Hawaiians."

The purpose of this bill is to establish within the Department of Land and Natural Resources, the aha kiole advisory council, which may advise the Office of the Chairperson of the Board of Land and Natural Resources and the Legislature on issues relating to land and natural resources management through the 'aha moku system. The bill requires the 'aha kiole advisory council to submit an annual report to the Office of the Chairperson of the Board of Land and Natural Resources and the Legislature at least twenty days prior to the convening of each regular session listing all recommendations made by the 'aha kiole advisory council and the resulting action taken by the Department of Land and Natural Resources over the course of the year. This bill also appropriates funds for an executive director.

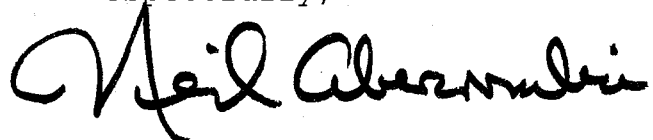
While the goals of this bill are laudable, several difficulties need to be addressed. First, the council is self-selected, not confirmed, has no defined term limits, offers no guidelines concerning the role of its members, and will select its own executive director. In addition, there is no recourse for inappropriate conduct by its members or the ability to remove for cause. The resulting council would essentially be a private entity funded by taxpayers with no governmental oversight. Second, the intent in creating the council is similar to the

STATEMENT OF OBJECTIONS
SENATE BILL NO. 23
Page 2

purpose for which the Office of Hawaiian Affairs ("OHA") was created and is a natural evolution of what a new Native Hawaiian governing entity would seek to accomplish. If there is determination to not wait until this entity is formed, then the council should at least be placed within OHA and funded by OHA. Third, the bill only provides funding for an executive director. This assumes that all other costs associated with this legislation, including travel and other expenses for the eight council members, will be absorbed by the Department of Land and Natural Resources. I support the intent of the legislation to provide state government the knowledge of traditional Native Hawaiian resource management practices and welcome the chance to review a bill that addresses the previously mentioned concerns.

For the foregoing reasons, I am returning Senate Bill No. 23 without my approval.

Respectfully,

A handwritten signature in black ink that reads "Neil Abercrombie". The signature is written in a cursive style with a large, prominent initial "N".

NEIL ABERCROMBIE
Governor of Hawaii

VETO

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

S.B. NO.

23
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to create an 'aha
2 kiolo advisory council, to be located within the department of
3 land and natural resources and which may serve in an advisory
4 capacity to the office of the chairperson of the board of land
5 and natural resources and the legislature. The 'aha kiolo
6 advisory council may advise the office of the chairperson of the
7 board of land and natural resources and the legislature on
8 issues related to land and natural resource management through
9 the 'aha moku system, a system of best practices that is based
10 upon the indigenous resource management practices of moku
11 (regional) boundaries, that acknowledges the natural contours of
12 land, the specific resources located within those areas, and the
13 methodology necessary to sustain resources and the community.

14 SECTION 2. (a) There is established the 'aha kiolo
15 advisory council to be placed within the department of land and
16 natural resources for administrative purposes as provided in
17 section 26-35, Hawaii Revised Statutes. The 'aha kiolo advisory



1 council may advise the office of the chairperson of the board of
2 land and natural resources and the legislature in carrying out
3 the purposes of this Act. The 'aha kiole advisory council shall
4 consist of eight members selected by the 'aha moku councils of
5 the respective islands without regard to sections 26-34 and
6 78-4, Hawaii Revised Statutes. The 'aha kiole advisory council
7 members shall select the chairperson of the 'aha kiole advisory
8 council. The 'aha kiole advisory council members shall not
9 receive compensation for their service but may be reimbursed for
10 necessary expenses, including travel expenses, incurred while
11 attending meetings approved in advance by the office of the
12 chairperson of the board of land and natural resources.

13 (b) The 'aha kiole advisory council shall select an
14 executive director.

15 (c) The 'aha kiole advisory council may:

16 (1) Provide advisory input based upon the indigenous
17 resource management practices of each moku to the
18 office of the chairperson of the board of land and
19 natural resources and the legislature;

20 (2) Aid in the implementation of a comprehensive set of
21 best practices for natural resource management;



- 1 (3) Foster the understanding and practical use of
2 knowledge, including native Hawaiian methodology and
3 expertise;
- 4 (4) Ensure the future sustainable use of the State's
5 marine, land, cultural, agricultural, and natural
6 resources;
- 7 (5) Enhance community education and cultural awareness;
- 8 (6) Participate in the protection and preservation of the
9 State's natural resources;
- 10 (7) Engage in discussion with, and participate in meetings
11 and events held by, the various moku statewide; and
- 12 (8) Establish an administrative structure that oversees
13 the 'aha moku system.
- 14 (d) The 'aha kiole advisory council shall submit an annual
15 report in English and Hawaiian to the office of the chairperson
16 of the board of land and natural resources and the legislature
17 no later than twenty days prior to the convening of each regular
18 session. The annual report shall include a list of all
19 recommendations made by the 'aha kiole advisory council and the
20 resulting action taken by the department of land and natural
21 resources over the course of the year.



1 SECTION 3. There is appropriated out of the land
2 conservation fund, established by section 173A-5, Hawaii Revised
3 Statutes, the sum of \$64,500 or so much thereof as may be
4 necessary for fiscal year 2011-2012 and the same sum or so much
5 thereof as may be necessary for fiscal year 2012-2013 for
6 funding for an executive director of the 'aha kiole advisory
7 council.

8 The sums appropriated shall be expended by the department
9 of land and natural resources for the purposes of this Act.

10 SECTION 4. This Act shall take effect on July 1, 2011.

11

APPROVED this day of , 2011

GOVERNOR OF THE STATE OF HAWAII