

Honolulu, Hawaii

APR 22 2021

RE: S.B. No. 1409  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1409, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRAINING IN NATIVE HAWAIIAN RIGHTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit a newly appointed or reappointed council, board, and commission member from serving if the member has not completed, within the requisite time, the required training course related to native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resource protection and access rights, and the public trust, including the State's trust responsibility;



- (2) Require the Office of Hawaiian Affairs and Department of Land and Natural Resources to compile an annual report of council, board, and commission members who have failed to complete their training course requirement; and
- (3) Require the Office of Hawaiian Affairs to record the training courses and make the recordings available to those who were unable to attend the training course in person.

Your Committee on Conference finds that Act 169, Session Laws of Hawaii 2015 (Act 169), required the Office of Hawaiian Affairs to establish, design, and administer a training course on native Hawaiian traditional and customary rights, the source of these rights, and how the infringement of these rights affects native Hawaiians. Act 169 requires new members of certain state councils, boards, and commissions to complete the training course within one year of their appointment. Currently, a significant number of board and commission members subject to the mandatory training course continue to fail to comply with their training course completion responsibility. Therefore, this measure strengthens requirements of the completion of the training course, which will ensure greater recognition and incorporation of native Hawaiian knowledge, values, and rights in land use and resource management decision-making.

Your Committee on Conference has amended this measure by:

- (1) Removing language that would have allowed for individual votes taken by council, board, or commission members who fail to complete the mandatory training course within the required time period to be challenged and subject to being nullified and voided following a contested case proceeding;
- (2) Clarifying that the Office of Hawaiian Affairs shall record the training courses and make the recordings available to council, board, and commission members identified in section 10-41(a), Hawaii Revised Statutes, who have not yet satisfied the training requirement and were unable to attend the training course;
- (3) Specifying that viewing a recording of a training course satisfies the training requirement;
- (4) Changing the effective date to April 1, 2022; and



- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1409, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1409, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



MARK M. NAKASHIMA  
Co-Chair



MAILE S.L. SHIMABUKURO  
Chair



TY J.K. CULLEN  
Co-Chair



KARL RHOADS  
Co-Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 1409, SD 2, HD 1</b>	Date/Time: <i>4/21/21 1:35 pm</i>
---	-----------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SHIMABUKURO, Maile S.L., Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				CULLEN, Ty J.K., Co-Chr.	✓			
ACASIO, Laura	✓				TAKUMI, Roy M.	✓			
FEVELLA, Kurt	✓				WARD, Gene	✓			
<b>TOTAL</b>	<i>4</i>				<b>TOTAL</b>	<i>4</i>			

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
--	---

**Distribution:**
Original
Yellow
Pink
Goldenrod

*File with Conference Committee Report*
*House Clerk's Office*
*Senate Clerk's Office*
*Drafting Agency*