

STAND. COM. REP. NO.

1477

Honolulu, Hawaii

MAR 25 , 2021

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

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1409, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit newly appointed or reappointed council, board, and commission members 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; and
- (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.

2021-2461 SB1409 HD1 HSCR HMSO



Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Ka Huli Ao Center for Excellence in Native Hawaiian Law, Kua'āina Ulu 'Auamo, Kūpuna for the Mo'opuna, and seven individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and Center for Hawaiian Sovereignty Studies.

Your Committee 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 and Hawaiian rights, the sources of these rights, and how the infringement of these rights affect the native Hawaiian and Hawaiian people. Act 169 also required new members of certain state councils, boards, and commission 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. This measure ensures greater recognition and incorporation of native Hawaiian and Hawaiian knowledge, values, and rights in land use and resource management decision-making.

Your Committee has amended this measure by:

- (1) Requiring the Office of Hawaiian Affairs to record the training courses and make the recordings available to those who were unable able to attend the training course;
- (2) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1409, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1409, S.D. 2, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 1477

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 1409 SD 2	Committee Referral: JHA, FIN	Date: 3-16-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.				✓
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				