STAND. COM. REP. NO. 1967

Honolulu, Hawaii

APR 2 1 2023

H.C.R. No. 108 RE:

> H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committees on Judiciary and Hawaiian Affairs, to which was referred H.C.R. No. 108, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY, "

beg leave to report as follows:

The purpose and intent of this measure is to urge the establishment of a Native Hawaiian Intellectual Property Working Group to discuss policies and legislation with respect to Native Hawaiian intellectual property.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council, Council for Native Hawaiian Advancement, and eleven individuals. Your Committees received comments on this measure from one individual.

Your Committees find that Native Hawaiian people's collective intellectual property rights are based upon the traditional, cultural knowledge developed over thousands of years and passed down from generation to generation. Your Committees further find that the laws of the State do not expressly recognize and protect the collective intellectual property rights of the Native Hawaiian peoples. This measure will establish a Native Intellectual Property Working Group to address that issue.

Your Committees have amended this measure by:

- (1) Adding the Association of Hawaiian Civic Clubs to the Native Intellectual Property Working Group;
- (2) Specifying that a majority of the members, rather than a consensus, can include additional Native Hawaiian organizations;
- (3) Changing the report submission deadline to forty days prior to the Regular Session of 2025; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 108, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 108, H.D. 1, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Hawaiian Affairs,

MAILE S.L. SHIMABUKURO, Chair

KARL RHOADS, Chair

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Da	Date:					
HCR 108 HD1	JDC/HWN			4/20/23					
The Committee is reconsidering its previous decision on this measure.									
If so, then the previous decision was to:									
The Recommendation is:									
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313									
Members		Aye	Aye (WR)	Nay	Excused				
RHOADS, Karl (C)		V							
GABBARD, Mike (VC)		V							
ELEFANTE, Brandon J.C.									
SAN BUENAVENTURA, Joy A	١.	$-\sqrt{}$	<u></u>						
AWA, Brenton									
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TOTAL		5							
Recommendation: Adopted Not Adopted									
Chair's or Designee's Signature:									
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*Only one measure per Record of Votes

The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Hawaiian Affairs HWN

Bill / Resolution No.:*	Committee Referral:			Date:				
HCR 108 HDI	JDC/HWN 04/20/2023			023				
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
SHIMABUKURO, Maile S.L. (C)								
FEVELLA, Kurt (VC)								
IHARA, Jr., Les								
KEOHOKALOLE, Jarrett								
RICHARDS, III, Herbert M. "Tim"								
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