

STAND. COM. REP. NO.

3571

Honolulu, Hawaii

APR 08 2026

RE: S.R. No. 23
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.R. No. 23 entitled:

"SENATE RESOLUTION SUPPORTING THE NATIVE HAWAIIAN
INTELLECTUAL PROPERTY WORKING GROUP'S REQUEST FOR RESOURCES
AND TIMELINE EXTENSION FOR FISCAL YEAR 2026-2027,"

begs leave to report as follows:

The purpose and intent of this measure is to support the
Native Hawaiian Intellectual Property Working Group's request for
resources and timeline extension for fiscal year 2026-2027.

Your Committee received testimony in support of this measure
from the Office of Hawaiian Affairs, Hawaiian Council, Association
of Hawaiian Civic Clubs, Kahua O Kakou Corp., and three
individuals.

Your Committee received comments on this measure from one
individual.

Your Committee finds that the Native Hawaiian culture is
exploited, often without consent or benefit of Native Hawaiian
communities, due to there being no appropriate safeguards
established. Your Committee notes that the State is required to
protect and preserve the rights, culture, and intellectual
property of Native Hawaiians under article XII, section 7, of the
Hawaii State Constitution, which is why the Native Hawaiian



Intellectual Property Working Group was established and tasked to create a report on the policies and legislation needed to better protect Native Hawaiian culture and traditional knowledge.

Your Committee finds that it is essential to safeguard traditional knowledge, cultural practices, and expressions from misuse, commodification, and exploitation. Your Committee further finds that chapter 84, Hawaii Revised Statutes, was enacted to promote transparency, preserve public trust, and prevent improper influence on public officers and employees; however, the application of the gift valuation and reporting requirements of chapter 84 to culturally significant and customary gifts, such as lei, traditional foods, and pa'akai, has created confusion and administrative burden, and may inadvertently discourage longstanding Native Hawaiian and other cultural practices that reflect respect, protocol, and community connection within the State.

Your Committee has amended this measure by deleting its contents and inserting language to:

- (1) Replace findings;
- (2) Urge the Hawai'i State Ethics Commission to formally recognize that the receipt or exchange of culturally significant and customary gifts shall not constitute a prohibited or reportable gift under chapter 84, Hawaii Revised Statutes, when not given with the intent to influence official action;
- (3) Clarify what is considered a culturally significant and customary gift;
- (4) Affirm that such cultural practices are vital expressions of community, respect, and identity, and should not be treated as improper influence under ethics laws;
- (5) Encourage the Hawai'i State Ethics Commission to issue clear advisory guidelines to public officers and employees to ensure consistent and culturally appropriate application of ethics law; and



(6) Amend its title accordingly.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 23, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 23, S.D. 1.

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


HERBERT M. RICHARDS, III, Chair



