

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2192  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.B. No. 2192 entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN EXPERTISE IN LAND USE AND RESOURCE MANAGEMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit 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 that at least four members of the Board of Land and Natural Resources and of the State Land Use Commission be appointed from a list submitted by the Office of Hawaiian Affairs.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Democratic Party of Hawaii, Hawaiian Affairs Caucus; and nineteen individuals. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.



Your Committees find that in Act 169, Session Laws of Hawaii 2015, the Legislature found that pursuant to Hawaii's constitution, statutes, and case law, the State recognizes a mandate to protect native Hawaiian traditional and customary rights. Accordingly, Act 169 amended chapter 10, Hawaii Revised Statutes, to require the Office of Hawaiian Affairs to establish, design, and administer a training course on Hawaiian rights, the sources of these rights, and how the infringement of these rights affects the Hawaiian people, and further required new members of certain state councils, boards, and commissions to complete the training course within one year of their appointment.

Unfortunately, despite the regular provision of notice to board and commission administrators, 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. As a result, critical land use and resource management decision-making may continue to be less than fully informed on native Hawaiian concepts, practices, and rights. This measure places requirements on 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 Committees have amended this measure by 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 Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2192, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2192, S.D. 1, and be referred to your Committee on Judiciary.

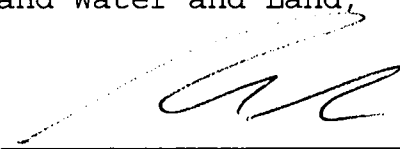


Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs  
and Water and Land,



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KAIALI'I KAHELE, Chair



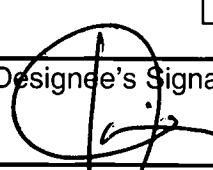
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MAILE S.L. SHIMABUKURO, Chair



The Senate  
 Thirtieth Legislature  
 State of Hawai'i


**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:* <b>SB 2192</b>	Committee Referral: <b>HWN/WTL, JDL</b>	Date: <b>2/6/20</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	✓			
KAHELE, Kaiali'i (VC)	✓			
IHARA, Jr., Les				✓
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
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**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB 2192</b>	Committee Referral: <b>HWN/WTL, JDC</b>	Date: <b>2.6.2020</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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