

STAND. COM. REP. NO.

937

Honolulu, Hawaii

MAR 05 2021

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 1409, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to 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 traditional and customary rights, Native Hawaiian natural resource protection and access rights, and the public trust, including the State's fiduciary responsibility.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Kūpuna for the Mo'opuna, Kua'āina Ulu 'Auamo, and six 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 received comments on this measure from the Land Use Commission.

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 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. Your Committee further finds that, despite this requirement, 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. Your Committee additionally finds that, although departments of the State have testified that prohibiting board and commission members from service if they have not completed the training requirement within a certain time is an unnecessary burden, greater recognition and incorporation of Native Hawaiian knowledge, values, and rights in agency decision-making is an important policy goal; and a balance between these two interests is appropriate.

Accordingly, your Committee has amended this measure by:

- (1) Applying disqualification for service in the event a member fails to meet the training requirement prospectively to newly appointed or reappointed members instead of all members; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

Respectfully submitted on behalf of the members of the Committee on Judiciary,



KARL RHOADS, Chair

