

MAR 15 2006

S.R. NO. 84

SENATE RESOLUTION

REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION
ON BIOLOGICAL DIVERSITY.

1 WHEREAS, the Legislature finds that Hawaii's biological
2 diversity and biological resources are assets of the public land
3 trust that are culturally, spiritually, medicinally, and
4 otherwise significant to native Hawaiians and the general
5 public; and

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7 WHEREAS, Hawaii runs the risk of losing its biodiversity as
8 natural habitat is developed, natural environment is degraded,
9 and non-sustainable consumptive practices are perpetuated; and

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11 WHEREAS, Hawaii's unique biological diversity and
12 biological resources are assets of a public trust established in
13 article XI, section 1, of the Hawaii State Constitution and
14 section 171-2, Hawaii Revised Statutes; and

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16 WHEREAS, Hawaii's biological diversity and biological
17 resources are of great potential economic benefit in the areas
18 of medicine, scientific research, biotechnology, and commercial
19 development; and

20
21 WHEREAS, there is a need to develop public policy to
22 balance scientific research and commercialization with the
23 preservation of Hawaii's fragile bio-resources, and fair and
24 equitable benefit-sharing with the general public and native
25 Hawaiians, who are the beneficiaries of the public land trust;
26 and

27
28 WHEREAS, the Legislative Reference Bureau, in its report to
29 the Legislature entitled, "Bioprospecting: Issues and Policy
30 Consideration", January 2006, recommended four policy areas for
31 discussion, including:

32
33 (1) Prior informed consent;

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35 (2) Rights of indigenous knowledge holders;



1
2 (3) Equitable benefit-sharing; and

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4 (4) Conservation, preservation, and sustainable use of
5 biodiversity; and

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7 WHEREAS, if the rights-holders and stakeholders, who have
8 worked on these issues can agree to these four policies, it may
9 serve as the basis upon which a regulatory permitting and
10 licensing process can be developed; now, therefore,

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12 BE IT RESOLVED by the Senate of the Twenty-third
13 Legislature of the State of Hawaii, Regular Session of 2006,
14 that the Governor is requested to establish a temporary advisory
15 commission on biological diversity, to be placed within the
16 Office of Hawaiian Affairs for administrative purposes only, to
17 make recommendations for policy development in the area of:

18
19 (1) Prior informed consent;

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21 (2) Equitable benefit-sharing;

22
23 (3) Bio-safety protocols;

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25 (4) A permitting and licensing process; and

26
27 (5) Cultural rights for the use of Hawaii's biodiversity;
28 and

29
30 BE IT FURTHER RESOLVED that the Legislature requests that
31 members of the temporary advisory commission on biological
32 diversity represent the various rights-holders and stakeholders
33 including the following:

34
35 (1) The Chairperson of the Board of Trustees of the Office
36 of Hawaiian Affairs or a designee;

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38 (2) The President of the University of Hawaii or a
39 designee;

40
41 (3) The Director of Business, Economic Development, and
42 Tourism or a designee;

43



- 1 (4) The Chairperson of the Board of Land and Natural
- 2 Resources or a designee;
- 3
- 4 (5) Five members of the native Hawaiian community,
- 5 residing in the State of Hawaii, who have a
- 6 demonstrated background in:
- 7
- 8 (A) Traditional and customary use of biological and
- 9 genetic resources;
- 10
- 11 (B) Indigenous and traditional technologies;
- 12
- 13 (C) Scientific and technical uses of native Hawaiian
- 14 practices;
- 15
- 16 (D) Legal procedures nationally and internationally,
- 17 in connection with the protection or
- 18 commercialization of biological and genetic
- 19 resources; and
- 20
- 21 (E) Native Hawaiian cultural rights as contained in
- 22 the Hawaii State Constitution and statutes;
- 23
- 24 who are appointed by the Governor from lists of
- 25 nominees submitted by the President of the Senate and
- 26 the Speaker of the House of Representatives, and
- 27 Hawaiian organizations;
- 28
- 29 (6) Two representatives from the biotechnology industry,
- 30 whose principal place of business is in the State of
- 31 Hawaii, who are appointed by the Governor from lists
- 32 of nominees submitted by the President of the Senate
- 33 and the Speaker of the House of Representatives, and
- 34 members of the biotechnology industry, based in
- 35 Hawaii; and
- 36

37 BE IT FURTHER RESOLVED that the temporary advisory
 38 commission on biological diversity is requested to prepare a
 39 report of its recommendations to the Legislature and the
 40 Governor not later than twenty days prior to the convening of
 41 the Regular Session of 2007; and


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 43 BE IT FURTHER RESOLVED that certified copies of this
 44 Resolution be transmitted to the President of the Senate, the



1 Speaker of the House of Representatives, the Chair of the Board
2 of Trustees of the Office of Hawaiian Affairs, and the Governor.

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OFFERED BY:



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