

STAND. COM. REP. NO.

2354

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 3053
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water, Land, and Housing, to which was referred S.B. No. 3053 entitled:

"A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the Aha Moku Advisory Committee to advise the Chairperson of the Board of Land and Natural Resources on natural resources management.

Your Committees received testimony in support of this measure from the Aha Moku Advisory Committee, Association of Hawaiian Civic Clubs, Maunaloa Hawaiian Civic Club, Kuakini Hawaiian Civic Club, Sovereign Councils of the Hawaiian Homelands Assembly, Waianae Kai Community Association, Kewalo Hawaiian Homestead Community Association, and fifteen individuals. Your Committees received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii. Your Committees received comments on this measure from the Department of Land and Natural Resources and the Department of Hawaiian Homelands.

Your Committees find that traditional and customary indigenous resource management practices and concepts are invaluable tools to govern the State's natural resources. Despite the efforts of committed individuals and institutions, integrating these practices and concepts in the State's stewardship of natural resources has long proved a challenge. This measure addresses many of the concerns that precluded the success of previous, similar efforts to enhance the State's oversight of state natural



resources with indigenous knowledge and practices. Nevertheless, your Committees find that the Aha Moku Advisory Committee is best suited for the Office of Hawaiian Affairs, rather than the Department of Land and Natural Resources, since the purpose of creating the Aha Moku Advisory Committee is similar to the purpose for which the Office of Hawaiian Affairs was created.

Your Committees also find that island burial councils statewide have had difficulty meeting due to their failures to meet quorum requirements. The island burial councils play a critical role in balancing diverse interests and reaching resolutions of sensitive burial issues. Procedural barriers should not prevent the island burial councils from conducting and transacting business.

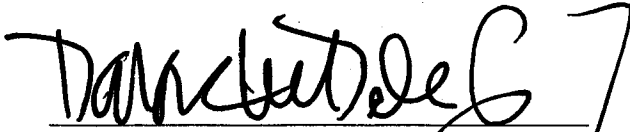
Your Committees have amended this measure by:

- (1) Amending language to place the Aha Moku Advisory Committee within the Office of Hawaiian Affairs to advise the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, rather than within the Department of Land and Natural Resources to advise the Chairperson of the Board of Land and Natural Resources;
- (2) Inserting a new part establishing a quorum requirement for the meetings of the island burial councils and providing that quorum for a meeting is the number of members present at the scheduled start time of a meeting; and
- (3) 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, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3053, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3053, S.D. 1, and be referred to the Committee on Ways and Means.



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



DONOVAN M. DELA CRUZ, Chair


BRICKWOOD GALUTERIA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

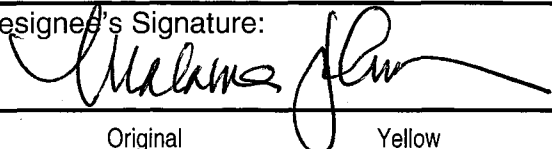
Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3053	HWN/WLH, WAM	2/15/12		
<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
GALUTERIA, Brickwood (C)	✓			
RYAN, Pohai (VC)	✓			X
ENGLISH, J. Kalani				
HEE, Clayton	✓			
KAHELE, Gilbert				X
KIDANI, Michelle N.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	6			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

*David
 Council
 Part II*

**Record of Votes
 Committee on Water, Land and Housing
 WLH**

Bill / Resolution No.:*	Committee Referral:	Date:
SB2053	HWN WLH, WAM	2-15-12
<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	
DELA CRUZ, Donovan M. (C)	✓	
SOLOMON, Malama (VC)	✓	
FUKUNAGA, Carol		✓
RYAN, Pohai	✓	
SHIMABUKURO, Maile	✓	
TOKUDA, Jill N.		✓
SLOM, Sam	✓	
TOTAL	5	2
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:	Original	Yellow
	Pink	Goldenrod
File with Committee Report	Clerk's Office	Drafting Agency
		Committee File Copy

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