

STAND. COM. REP. NO.

2471

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2133

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs, Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment, to which was referred S.B. No. 2133 entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN CULTURAL RESERVES,"

beg leave to report as follows:

The purpose and intent of this measure is to require the counties to establish a framework for the establishment of Hawaiian cultural reserves as a condition of approval for subdivisions or certain condominium property regimes on agricultural and rural lands.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Carmen Hulu Lindsey, Trustee of the Office of Hawaiian Affairs; Hawaiian Affairs Caucus of the Democratic Party of Hawaii; Ho'omanapono Political Action Committee; Kawaihuelani Center for Hawaiian Language; Hawaiian Civic Club of Honolulu; Ho'omana Pono, LLC; We Are One, Inc.; and thirty-six individuals. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual. Your Committees received comments on this measure from the Department of the Attorney General and Department of Planning and Permitting of the City and County of Honolulu.



Your Committees find that Native Hawaiians struggle to perpetuate their traditional practices, particularly the practices that depend on the 'aina. Land use and development, specifically residential development and industrial uses on agricultural and rural lands, have prevented Native Hawaiians from using these lands for traditional Hawaiian practices, cutting off access to essential resources that have served as the foundation of Native Hawaiian culture. Your Committees find that these lands are instrumental to the preservation and perpetuation of traditional Hawaiian practices and must be protected so that the Native Hawaiian community can be assured that traditional practices are respected in the State. Your Committees recognize the concern regarding the permitting process of setting aside land for Hawaiian cultural reserves without just compensation to the landowner and have requested the concerned party and the Office of Hawaiian Affairs to collaborate to draft amendments to ensure that this measure may protect the practices of Native Hawaiians.

Accordingly, your Committees have amended this measure by:

- (1) Inserting language that requires counties, when developing ordinances or supplemental rules, to consider how the dedication of land for Hawaiian cultural reserves will impact the new subdivision or condominium property regime and that the consideration shall also account for the way previous development or changes to land access have impacted Native Hawaiian traditional and customary practices; and
- (2) 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, Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2133, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2133, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.



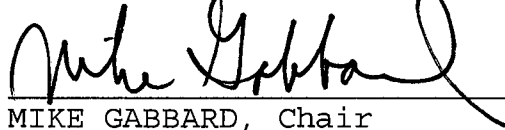
Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs,  
Public Safety,  
Intergovernmental, and Military  
Affairs, and Agriculture and  
Environment,



CLARENCE K. NISHIHARA, Chair



MAILE S.L. SHIMABUKURO, Chair




MIKE GABBARD, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

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

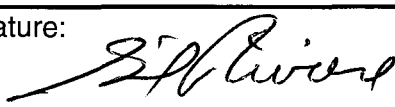
Bill / Resolution No.:*	Committee Referral:	Date:
SB 2133	HWN/PSM/AEN, <sup>CPH</sup>	2/08/2018
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 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)	✓	
GALUTERIA, Brickwood (VC)		✓
ENGLISH, J. Kalani		✓
GREEN, Josh	✓	
RIVIERE, Gil	✓	
<b>TOTAL</b>	<b>3</b>	<b>2</b>
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

\*Only one measure per Record of Votes



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2133	HWN/PSM/AEN, CPH	2/8/18		
<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
GABBARD, Mike (C)	X			
RIVIERE, Gil (VC)	X			
NISHIHARA, Clarence K.	X			
RHOADS, Karl	X			
RUDERMAN, Russell E.				X
<b>TOTAL</b>	4	0	0	1
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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