

STAND. COM. REP. NO.

3286

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2192
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 2192, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit council, board, and commission members who fail to meet their training course completion requirement from serving on a permitted interaction group or voting on matters before their respective councils, boards, or commissions;
- (2) Require council, board, and commission members who fail to meet their training course completion requirement to complete their training requirement or be reconfirmed by the Senate by the end of the regular legislative session following their training course completion deadline;
- (3) Require the Office of Hawaiian Affairs and the Department of Land and Natural Resources to compile an annual report of council, board, and commission members who have failed to complete their training course requirement, and to submit the report to the Governor



and Legislature no later than twenty days prior to the convening of the Regular Session;

- (4) Require four members of the Board of Land and Natural Resources to be nominated from a list provided to the Governor by the Office of Hawaiian Affairs; and
- (5) Require four members of the Land Use Commission to be nominated from a list provided to the Governor by the Office of Hawaiian Affairs.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs and three individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that the Hawaii State Constitution states that the State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. This measure ensures that state decisions impacting the 'aina more meaningfully reflect the knowledge, rights, and perspectives of native Hawaiians whose culture, identity, and well-being are intrinsically tied to their ancestral lands.

Your Committee has amended this measure by:

- (1) Deleting language that would have required four members of the Board of Land and Natural Resources and four members of the Land Use Commission to be nominated from a list provided to the Governor by the Office of Hawaiian Affairs;
- (2) Requiring that at least one member of the Board of Land and Natural Resources and at least one member of the Land Use Commission be nominated from a list provided to the Governor by the Office of Hawaiian Affairs;
- (3) Inserting an effective date of June 18, 2050, to encourage further discussion; and



- (4) 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. 2192, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2192, S.D. 2.

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

Karl Rhoads

KARL RHOADS, Chair



