

STAND. COM. REP. NO.

1978

Honolulu, Hawaii

APR 05 , 2023

RE: H.C.R. No. 108
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.C.R. No. 108 entitled:

"HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to urge for the establishment of a Native Hawaiian Intellectual Property Working Group to discuss policies and legislation with respect to Native Hawaiian Intellectual Property.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, the Department of Business, Economic Development and Tourism (DBEDT), Kahuli Leo Le'a, Maui Council of the Association of Hawaiian Civic Clubs, Hydroponics Alternatives LLC, and fifteen individuals.

Your Committee finds that the laws of the State recognize the traditional customary rights of Native Hawaiians but do not expressly recognize and protect the collective intellectual property rights of the Native Hawaiian peoples, thus necessitating the establishment of a Native Hawaiian Intellectual Property Working Group.

HCR108 HD1 HSCR JHA



Your Committee has amended this measure by:

(1) Incorporating the suggested amendment of numerous testifiers to add following items beginning on page 2, line 32:

(A) WHEREAS, on October 3-5, 2003, the Paoakalani Declaration was compiled at the Native Hawaiian Intellectual Property Rights Conference to express Native Hawaiians' "collective right of self-determination to perpetuate our culture under threat of theft and commercialization of the traditional knowledge of Kanaka Maoli, our wahi pana and nā mea Hawai'i."

(B) WHEREAS, on August 21-22, 2021, the international coalition of kumu hula, Huamakahikina, convened to form and ratify the Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula which states "There is insufficient protection for Kanaka Maoli culture and knowledge maintained, and embodied by, Hula. This includes infringement of the intellectual property rights to which Kumu Hula are entitled with respect to the Hula resources they steward and create."

(2) Incorporating the suggested amendment of numerous testifiers to add the following item beginning on page 3, line 30:

(A) BE IT FURTHER RESOLVED, that the members of the Native Hawaiian Intellectual Property Working Group and the named organizations and entities will have the authority to include additional Native Hawaiian organizations and entities through consensus at their discretion.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 108, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 108, H.D. 1.

Respectfully submitted on
behalf of the members of the



Committee on Judiciary &
Hawaiian Affairs,

David A. Tarnas for

DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HCR 108	Committee Referral: JHA	Date: 3/31/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor				✓
8. KONG, Sam Satoru				✓
9. MIZUNO, John M.				✓
10. SOUZA, Kanani	✓			
TOTAL (10)	7	∅	∅	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: David Tarnas				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				