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# HOUSE CONCURRENT RESOLUTION

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REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION  
ON BIOPROSPECTING.

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

5  
6 WHEREAS, Hawaii runs the risk of losing its biological  
7 resources as natural habitat is developed, natural environment  
8 is degraded, and non-sustainable consumptive practices are  
9 perpetuated; and

10  
11 WHEREAS, Hawaii's unique biological resources are assets of  
12 a public trust established in Article XI, section 1, of the  
13 Hawaii State Constitution and section 171-2, Hawaii Revised  
14 Statutes; and

15  
16 WHEREAS, Hawaii's biological resources are of great  
17 potential economic benefit in the areas of medicine, scientific  
18 research, biotechnology, and commercial development; and

19  
20 WHEREAS, there is a need to develop public policy to  
21 balance development and commercialization with scientific  
22 research and conservation of Hawaii's fragile bio-resources, and  
23 fair and equitable benefit-sharing with the general public and  
24 native Hawaiians, who are the beneficiaries of the public land  
25 trust; and

26  
27 WHEREAS, in its report to the Legislature entitled,  
28 "Bioprospecting: Issues and Policy Consideration", January  
29 2006, the Legislative Reference Bureau recommended four policy  
30 areas for discussion, including:

31  
32 (1) Prior informed consent;  
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HCR193 HD1 HMS 2006-3181



- 1 (2) Rights of indigenous knowledge holders;  
2  
3 (3) Equitable benefit-sharing; and  
4  
5 (4) Conservation, preservation, and sustainable use of  
6 biological diversity;  
7

8 and  
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10 WHEREAS, if the rights-holders and stakeholders, who have  
11 worked on these issues can agree to these four policies, it may  
12 serve as the basis upon which a regulatory permitting and  
13 licensing process can be developed; now, therefore,  
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15 BE IT RESOLVED by the House of Representatives of the  
16 Twenty-third Legislature of the State of Hawaii, Regular Session  
17 of 2006, the Senate concurring, that the Governor is requested  
18 to establish a temporary advisory commission on bioprospecting,  
19 to be placed within the Office of Hawaiian Affairs for  
20 administrative purposes only, to make recommendations for policy  
21 development in the area of:  
22

- 23 (1) Prior informed consent;  
24  
25 (2) Equitable benefit-sharing;  
26  
27 (3) Bio-safety protocols;  
28  
29 (4) A permitting and licensing process; and  
30  
31 (5) Cultural rights for the use of Hawaii's biodiversity;  
32

33 and  
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35 BE IT FURTHER RESOLVED that members of the temporary  
36 advisory commission on bioprospecting represent the various  
37 rights-holders and stakeholders, including the following:  
38

- 39 (1) The Chairperson of the Board of Trustees of the Office  
40 of Hawaiian Affairs or a designee;  
41  
42 (2) The President of the University of Hawaii or a  
43 designee;  
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HCR193 HD1 HMS 2006-3181



- 1 (3) The Director of Business, Economic Development, and  
2 Tourism or a designee;  
3  
4 (4) The Chairperson of the Board of Land and Natural  
5 Resources or a designee;  
6  
7 (5) Five members of the native Hawaiian community,  
8 residing in the State of Hawaii, who have a  
9 demonstrated background in:

10  
11 (A) Traditional and customary use of biological and  
12 genetic resources;  
13

14 (B) Indigenous and traditional technologies;  
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16 (C) Scientific and technical uses of native Hawaiian  
17 practices;  
18

19 (D) Legal procedures nationally and internationally,  
20 in connection with the protection or  
21 commercialization of biological and genetic  
22 resources; and  
23

24 (E) Native Hawaiian cultural rights as contained in  
25 the Hawaii State Constitution and statutes;  
26

27 who are appointed by the Governor from lists of  
28 nominees submitted by the President of the Senate,  
29 Speaker of the House of Representatives, and Hawaiian  
30 organizations; and  
31

- 32 (6) Two representatives from the biotechnology industry,  
33 whose principal place of business is in the State of  
34 Hawaii, who are appointed by the Governor from lists  
35 of nominees submitted by the President of the Senate  
36 and the Speaker of the House of Representatives, and  
37 members of the biotechnology industry, based in  
38 Hawaii;  
39

40 and  
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42 BE IT FURTHER RESOLVED that the temporary advisory  
43 commission on bioprospecting is requested to prepare a report of  
44 its recommendations to the Legislature and the Governor not

HCR193 HD1 HMS 2006-3181



1 later than 20 days prior to the convening of the Regular Session  
2 of 2007; and  
3

4 BE IT FURTHER RESOLVED that certified copies of this  
5 Concurrent Resolution be transmitted to the Governor, President  
6 of the Senate, Speaker of the House of Representatives, and  
7 Chairperson of the Board of Trustees of the Office of Hawaiian  
8 Affairs.

HCR193 HD1 HMS 2006-3181

