

STAND. COM. REP. NO.

2605

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2378
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2378, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,"

begs leave to report as follows:

The purpose of this measure is to include the election of the members of the Office of Hawaiian Affairs Board of Trustees in the biennial primary and general elections rather than to elect them at a special election held in conjunction with the general election.

This measure also provides that during the primary election:

- (1) The two candidates that receive the most number of votes for an available Office of Hawaiian Affairs Board of Trustees seat shall be nominated for the general election;
- (2) The qualified candidates that receive the most votes for any at-large seat without a residency requirement shall be duly nominated for the general election; provided that the general election shall include no more than twice the number of qualified candidates as seats available;



- (3) Any candidate that receives more than fifty per cent of the votes cast at the primary election shall be declared elected; and
- (4) If there are only two qualified candidates for any seat on the Board, they shall be declared nominated for the general election without going through the primary election process. If there is only one qualified candidate for any seat with a residency requirement or if the number of qualified candidates for seats without a residency requirement is equal to or less than the number of seats to be filled, they shall be declared legally elected without going through the primary or general election process.

One individual provided written comments in support. One state agency provided written comments requesting consideration of the financial costs associated with proposed change in election requirements. Written comments presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure will absorb the special election for the Office of Hawaiian Affairs Board of Trustees now held in conjunction with primary and general elections into the primary and general elections.

While there will be some administrative costs involved in shifting the Office of Hawaiian Affairs Board of Trustees election to the primary and general election, your Committee believes that the cost will be neutralized by the savings of eliminating the special election and consolidating it into the existing primary and general election structure.

Your Committee has amended this measure by:

- (1) Setting the date of compliance to January 1, 2014 in order to have this measure in effect during the 2014 elections;
- (2) Changing the effective date of this measure to July 1, 2050, to encourage further discussion of this measure; and
- (3) Making technical, nonsubstantive changes to ensure clarity and accuracy in the language of this measure.



As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2378, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2378, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,




BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2378, SDI	WTL, JGO	2/24/10		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	-	-	1
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