

STAND. COM. REP. NO.

638

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 849
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 849, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION
ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
Hawaiian Homes Commission Act of 1920, as amended, by:

- (1) Prohibiting any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease;
- (2) Reducing the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one-quarter to one thirty-second; and
- (3) Making housekeeping amendments by replacing references to "husband" or "wife" with "spouse".

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Association of Hawaiian Civic Clubs, Ka Lāhui Hawai'i Political Action Committee, and twenty-eight individuals. Your Committee received testimony in opposition to this measure from five individuals. Your Committee



received comments on this measure from the Department of the Attorney General and Department of Hawaiian Home Lands.

Your Committee finds that many descendants of lessees of Hawaiian home lands do not qualify as successors because interracial marriages and blended families produce descendants who are less than twenty-five percent Hawaiian. These disruptions create undue hardships of displacement and interfere with families' abilities to maintain the equity of their homes and businesses. By allowing the transfer of leases prior to the leaseholder's death, this measure encourages current lessees to maintain and invest in their residences, as the lessees anticipate that their descendants will be able to make use of the properties for many generations to come.

Your Committee is concerned that the language that prohibits any lessee who transfers a lease from being placed on the wait list again and from purchasing another lease may be too broad. Your Committee believes that this issue merits further discussion as this measure moves through the legislative process.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 849, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 849, S.D. 2.

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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 849 SD1	Committee Referral: HWN, JDL	Date: 2/24/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.		✓		
TOTAL	2	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Karl Rhoads</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes