

Honolulu, Hawaii

FEB 11 2020

RE: S.B. No. 2113  
S.D. 1

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

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 2113 entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Hawaiian Home Lands to negotiate with native Hawaiians before offering Hawaiian home lands for lease to the public by auction; and
- (2) Require annual reports regarding negotiations.

Your Committee received testimony in support of this measure from one member of the Maui County Counsel, Ka Lāhui Hawai'i Political Action Committee, La'i'Opua Community Development Corp., and two individuals. Your Committee received testimony in opposition to this measure from the Center of Hawaiian Sovereignty Studies and three 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 in the Hawaiian Homes Commission Act, 1920, as amended, the United States Congress established the Hawaiian home lands trust, intending that it would enable its native Hawaiian beneficiaries to return to their land to improve



and perpetuate their self-sufficiency and cultural preservation. Administered by the Department of Hawaiian Home Lands, the Hawaiian Homes Commission Act authorizes issuance of leases of available lands to native Hawaiians for occupancy, and of licenses for theaters, garages, service stations, markets, stores, and other mercantile establishments.

Your Committee notes that S.B. No. 2525 (Regular Session of 2020) imposes certain requirements on the disposition of Hawaiian home lands by the Department of Hawaiian Home Lands. Your Committee concludes that the language in S.B. No. 2525 is preferable.

Your Committee has also heard the concerns from the Department of Hawaiian Home Lands and Department of the Attorney General that certain sections of the measure may not be supported by the Hawaii Administrative Procedures Act, Chapter 91, Hawaii Revised Statutes, that certain sections should be codified in the Hawaiian Homes Commission Act rather than the Hawaii Revised Statutes, that certain terms may be vague, and that certain amendments may have unintended consequences and believes these issues merit further discussion by your Committees on Judiciary and Ways and Means.

Your Committee has amended this measure by:

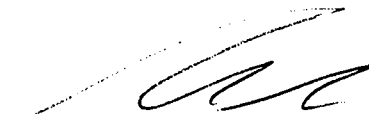
- (1) Deleting its contents and replacing it with the contents of S.B. No. 2525, which:
  - (A) Defines "beneficiary consultation";
  - (B) Prohibits the Department of Hawaiian Home Lands from disposing or extending a general lease to non-beneficiaries, unless there are no applicants seeking to enter into a general lease for the use and occupancy of a tract of Hawaiian home lands;
  - (C) Requires the Department of Hawaiian Home Lands to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands;



- (D) Prohibits the Department of Hawaiian Home Lands from establishing additional criteria to enter into a general lease with an applicant, under certain conditions;
  - (E) Specifies that the Department of Hawaiian Home Lands may grant a license or enter into a general lease, under certain conditions;
  - (F) Allocates the interest or other earnings from the Hawaiian Home Loan Fund and Hawaiian Home General Loan Fund into their respective funds, under certain conditions;
  - (G) Requires the Department of Hawaiian Home Lands to submit a quarterly report to the Legislature and beneficiaries; and
  - (H) Authorizes the Department of Hawaiian Home Lands to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers, under certain conditions; 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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2113, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2113, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Hawaiian Affairs,



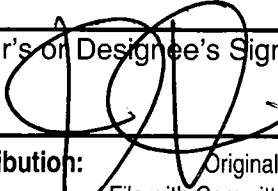
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MAILE S.L. SHIMABUKURO, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:* <b>SB2113</b>	Committee Referral: <b>HWN, JDC/WAM</b>	Date: <b>2/4/20</b>		
<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
SHIMABUKURO, Maile S.L. (C)	✓			
KAHELE, Kaiali'i (VC)	✓			
IHARA, Jr., Les	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes