

STAND. COM. REP. NO. 434

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 1123  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 1123 entitled:

"A BILL FOR AN ACT RELATING TO COUNTIES,"

begs leave to report as follows:

The purpose and intent of this measure is to give counties jurisdiction over the infrastructure of the Department of Hawaiian Home Lands housing developments within their boundaries under specific conditions and require counties to commence maintenance on certain infrastructure within sixty days of a completed application of maintenance request.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that while the Department of Hawaiian Home Lands complies with county requirements regarding infrastructure when developing subdivisions, the maintenance of the infrastructure often remains the responsibility of the Department of Hawaiian Home Lands. Although Act 227, Session Laws of Hawaii 2014, clarified and confirmed that operating and maintaining sewer systems is a county function, the Department of Hawaiian Home Lands continues to maintain sewer systems on Hawaiian home lands until such time that Act 227 can be fully



implemented in subdivisions completed after the mid-1990s. This measure will ensure that more of the funding from the Department of Hawaiian Home Lands can be allocated to the development of housing, rather than maintenance of infrastructure, such as waterlines and appurtenance, sewer lines, waste treatment systems, roadways, and street lighting that connects to county infrastructure.

Your Committee has heard the concerns of the Office of Hawaiian Affairs that the proposed time limit of sixty days to complete the Department of Hawaiian Home Lands maintenance work could unreasonably limit consultation, assessment, mitigation activities that are critical to protecting iwi kupuna, cultural sites, and other historic properties from avoidable and unnecessary impacts, unless language is included to explicitly require the State Historic Preservation Division concurrence with county approval for permitted actions, and to exclude any additional days needed to implement historic preservation protection and mitigation actions. Amendments to this measure are therefore necessary to address the Office of Hawaiian Affairs' concerns.


Accordingly, your Committee has amended this measure by:

- (1) Inserting language to account for additional time that may be needed to protect historic sites; potentially adverse, avoidable impacts; and provide for extensions on the sixty-day deadline should historic preservation and protections activities require them; 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. 1123, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1123, S.D. 1, and be referred to your Committee on Judiciary.



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




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MAILE S.L. SHIMABUKURO, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

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

|  |                     |           |     |         |
|--|---------------------|-----------|-----|---------|
| Bill / Resolution No.:*  | Committee Referral: | Date:     |     |         |
| SB1123   | HWN, JDC            | 2/16/2021 |     |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                     |           |     |         |
| The Recommendation is:<br><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)  | X                   |           |     |         |
| KEOHOKALOLE, Jarrett (VC)  | X                   |           |     |         |
| ACASIO, Laura  | X                   |           |     |         |
| IHARA, Jr., Les  |                     | X         |     |         |
| FEVELLA, Kurt  |                     | X         |     |         |
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| <b>TOTAL</b>   | <b>3</b>            | <b>2</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<br>File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy   |                     |           |     |         |

\*Only one measure per Record of Votes