

Honolulu, Hawaii

FEB 05 2021

RE: S.B. No. 195
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. 195 entitled:

"A BILL FOR AN ACT RELATING TO THE ELECTION OF MEMBERS TO THE
BOARD OF TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the process for electing the members to the Board
of Trustees of the Office of Hawaiian Affairs; and
- (2) Require the Reapportionment Commission to establish a
reapportionment plan based on basic island units.

Your Committee received testimony in support of this measure
from two individuals. Your Committee received testimony in
opposition to this measure from the Center for Hawaiian
Sovereignty Studies. Your Committee received comments on this
measure from the Department of the Attorney General and the Office
of Hawaiian Affairs.

Your Committee finds that members of the Board of Trustees of
the Office of Hawaiian Affairs are elected during an at-large
statewide election in which all registered voters are permitted to
vote to elect all trustees. This measure provides for an election
in which only qualified voters of a district within the State's



four basic island units - Hawaii; Maui, Molokai, and Lanai; Oahu; and Kauai and Niihau are permitted to elect one of the nine members of the Board of Trustees for the Office of Hawaiian Affairs.

Your Committee notes the testifiers' concerns that the reapportionment of the nine-member Board of Trustees among the four basic island units may fall short of the one-person, one-vote standard established by the United States Supreme Court in *Reynolds v. Sims*, 377 U.S. 533 (1964). States must make honest and good faith efforts to construct districts with equal numbers of persons as practicable. Due to the significant disparities in population sizes among the basic island units, deviations from population equality in the reapportionment of the Board of Trustees may be required.

Your Committee has amended this measure by:

- (1) Inserting language to clarify that all registered voters in the general election are entitled to receive an Office of Hawaiian Affairs containing the names of all candidates seeking election to the Board of Trustees within the voter's district;
- (2) Clarifying that certain procedures apply to each election to fill an available seat, rather than any election with only one available seat;
- (3) Repealing language relating to elections with three available seats without a residency requirement;
- (4) Clarifying that the final Office of Hawaiian Affairs Board of Trustees reapportionment plan shall govern the election of members until the next reapportionment plan becomes effective, rather than for five years; and
- (5) 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. 195, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 195, S.D. 1, and be referred to your Committee on Judiciary.

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




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.:* SB 195	Committee Referral: HWN, JDC	Date: 2/2/2021		
<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)	x			
KEOHOKALOPE, Jarrett (VC)	x			
ACASIO, Laura	x			
IHARA, Jr., Les				x
FEVELLA, Kurt	x			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

Revised: 1/19/21