

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 738  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 738, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Hawaiian Home Lands to administer a lease award program for beneficiaries on the homestead lease waiting list who are sixty years old or older or terminally ill, under certain conditions;
- (2) Authorize the qualified successor of a beneficiary who passed away while on the homestead lease waiting list to file a claim for a lease award within four years of this measure's effective date; and
- (3) Require the Department of Hawaiian Home Lands to adopt rules for the administration of this measure within one year of its effective date.

Your Committees received testimony in support of this measure from Hydroponics Alternatives, LLC and seven individuals. Your Committees received comments on this measure from the Department of Hawaiian Home Lands.



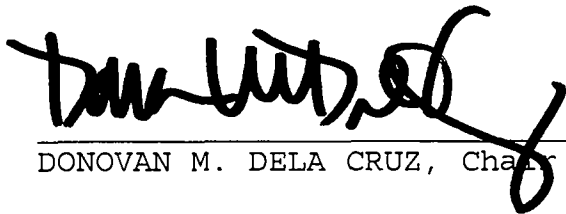
Your Committees find that beneficiaries may spend their entire lives on the Department of Hawaiian Home Lands' homestead lease waiting list without receiving a lease award. While a beneficiary's eligible descendants may claim a beneficiary's lease award upon the beneficiary's passing, many descendants are deemed ineligible to do so under existing law, and beneficiaries are unable to designate a successor. To address the intergenerational waiting times to receive a homestead lease award, this measure authorizes the Department to administer an additional program through which certain beneficiaries who are elderly or terminally ill may receive lease awards and allow these beneficiaries to each designate a qualified successor.


Your Committees have amended this measure by:

- (1) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 738, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 738, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

|                         |                     |        |
|-------------------------|---------------------|--------|
| Bill / Resolution No.:* | Committee Referral: | Date:  |
| SB 739 S01              | HWN, JDC/WAM        | 3/3/23 |

The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

| Members                  | Aye | Aye (WR) | Nay | Excused |
|--------------------------|-----|----------|-----|---------|
| RHOADS, Karl (C)         | ✓   | /        |     |         |
| GABBARD, Mike (VC)       | ✓   | /        |     |         |
| ELEFANTE, Brandon J.C.   | ✓   | /        |     |         |
| SAN BUENAVENTURA, Joy A. | ✓   | /        |     |         |
| AWA, Brenton             | ✓   | /        |     |         |
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| <b>TOTAL</b>             | 5   | —        | —   | —       |

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:

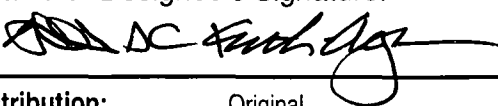
*Mike Gabbard*

**Distribution:**     Original     Yellow     Pink     Goldenrod  
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\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

|  |  |                        |     |          |
|--|--|------------------------|-----|----------|
| Bill / Resolution No.:*<br><b>SB 738 SD1</b>   | Committee Referral:<br><b>HWN, JDC/WAM</b> | Date:<br><b>3/3/23</b> |     |          |
| <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  |
| DELA CRUZ, Donovan M. (C)  | X  |                        |     |          |
| KEITH-AGARAN, Gilbert S.C. (VC)  | X  |                        |     |          |
| AQUINO, Henry J.C.   | X  |                        |     |          |
| DECOITE, Lynn  | X  |                        |     |          |
| INOUE, Lorraine R.   | X  |                        |     |          |
| KANUHA, Dru Mamo   | X  |                        |     |          |
| KIDANI, Michelle N.  | X  |                        |     |          |
| KIM, Donna Mercado   | X  |                        |     |          |
| LEE, Chris   | X  |                        |     |          |
| MORIWAKI, Sharon Y.  | X  |                        |     |          |
| SHIMABUKURO, Maile S.L.  | X  |                        |     |          |
| WAKAI, Glenn   | X  |                        |     |          |
| FEVELLA, Kurt  |  |                        |     | X        |
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| <b>TOTAL</b>   | <b>12</b>                                  |                        |     | <b>1</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                        |     |          |
| Chair's or Designee's Signature:<br>  |  |                        |     |          |
| <b>Distribution:</b> Original    Yellow    Pink    Goldenrod<br>File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy   |  |                        |     |          |

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