

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1311
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. 1311, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE REPEAL OF ACT 192, SESSION LAWS OF HAWAII 2007,"

beg leave to report as follows:

The purpose and intent of this measure is to repeal Act 192, Session Laws of Hawaii 2007, which requires the Employees' Retirement System to divest itself of investments in companies that provide support for the genocide in Darfur, Sudan, and to provide annual reports to the Legislature on the status of those divestments.

Your Committees received testimony in support of this measure from the Employees' Retirement System Board of Trustees. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that the Legislature enacted Act 192, Session Laws of Hawaii 2007 (Act 192), to voice its opposition to the humanitarian crisis that was occurring in Darfur, Sudan, and to place economic pressure on the Sudanese Government by joining the international community in establishing sanctions. To that end, Act 192 prohibited the Employees' Retirement System (ERS) from investing in companies that do business with Sudan and



required the ERS administrator to identify and monitor those companies.

Your Committees further find that Act 192 was to remain in effect only insofar as it continued to be consistent with the foreign policy of the United States. Further, Act 192 set forth specific triggering conditions that, upon their occurrence, would necessitate its repeal. Your Committees find that one or more of these triggering conditions was satisfied by the following: (1) Executive Order 13761 of January 13, 2017, Recognizing Positive Actions by the Government of Sudan and Providing for the Revocation of Certain Sudan-Related Sanctions; (2) Department of State Public Notice 10156, Notice Regarding Positive Actions by the Government of Sudan; and (3) the Presidential Memorandum of October 26, 2020, Certification Pursuant to Section 6(E) of the Comprehensive Peace in Sudan Act of 2004, as Amended by the Darfur Peace and Accountability Act of 2006. Therefore, this measure accordingly repeals Act 192.

Your Committees have amended this measure by making it effective upon its approval.

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. 1311, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1311, 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.:* SB 1311 SDI	Committee Referral: LBT, JDC/WAM	Date: 3/3/23
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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			✓	
TOTAL	4	—	1	—

Recommendation: Adopted Not Adopted


Chair's or Designer's Signature:
Mike Gabbard

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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.:* SB1311 SD1	Committee Referral: LBT, JDC/WAM	Date: 3/3/23		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, 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
TOTAL	12			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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*Only one measure per Record of Votes