

STAND. COM. REP. NO.

2234

Honolulu, Hawaii

FEB 12 2024

RE: S.B. No. 2397  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 2397 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION  
ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit lessees  
who sell or transfer their interest in a Hawaiian Home Lands tract  
for personal gain from being placed on any subsequent waiting list  
maintained by the Department of Hawaiian Home Lands for an  
additional lease.

Your Committee received testimony in support of this measure  
from Ho'omana Pono, LLC and two individuals.

Your Committee received testimony in opposition to this  
measure from three individuals.

Your Committee received comments on this measure from the  
Department of Hawaiian Home Lands.

Your Committee finds that certain native Hawaiians who are  
eligible for a lease pursuant to the Hawaiian Homes Commission  
Act, 1920, as amended, have acquired a lease, sold or transferred  
their interest in the lease, and then placed their name on the  
waiting list for a second lease of Hawaiian Home Lands, which has



contributed to many eligible native Hawaiians never receiving a lease offer. All Department of Hawaiian Home Lands beneficiaries should be able to enter the Hawaiian Homes Commission Act Program with a reasonable expectation of eventually receiving a lease. This measure will ensure fairness in the distribution of leases to all beneficiaries.

Your Committee has amended this measure by:

- (1) Adding a definition of "personal gain" to mean an action that is purely motivated by the desire to make a profit;
- (2) Specifying that this measure shall be implemented by the Department of Hawaiian Home Lands at the sole discretion of the Hawaiian Homes Commission; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes the concerns raised by opponents to the measure and emphasizes that this measure is aimed only at those beneficiaries who sell or transfer their leases purely for personal gain. Your Committee also notes the testimony of Ho'omana Pono, LLC, suggesting that the Department of Hawaiian Home Lands track sales and transfers by lessees and that the Hawaiian Homes Commission should consider approving sales or transfers before they occur. Your Committee respectfully requests that these issues be considered by subsequent committees should they choose to deliberate on this measure as it progresses through the legislative process.

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. 2397, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2397, 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-Second Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>SB2397</b>	Committee Referral: <b>HWN, JDC</b>	Date: <b>02/06/2024</b>
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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
SHIMABUKURO, Maile S.L. (C)	X			
FEVELLA, Kurt (VC)	X			
IHARA, Jr., Les	X			
KEOHOKALOLE, Jarrett	X			
RICHARDS, III, Herbert M. "Tim"	X			
<b>TOTAL</b>	<b>5</b>			

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  


Distribution:    
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**\*Only one measure per Record of Votes**