

Honolulu, Hawaii

FEB 07 2023

RE: S.B. No. 490
S.D. 1

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

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 490 entitled:

"A BILL FOR AN ACT RELATING TO COMPLIANCE ON HAWAIIAN HOME
LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a
compliance and law enforcement program within the Department of
Hawaiian Home Lands to investigate complaints, conduct
investigations, and cooperate with law enforcement authorities to
ensure compliance with all state laws and rules and county
ordinances on Hawaiian home lands.

Your Committee received testimony in support of this measure
from the Department of Hawaiian Home Lands and one individual.
Your Committee received testimony in opposition to this measure
from the Department of Law Enforcement, Department of Public
Safety, Sovereign Council of Hawaiian Homestead Associations, and
six individuals. Your Committee received comments on this measure
from Hui Kako'o 'Āina Ho'opulapula.

Your Committee finds that illegal activity on Hawaiian home
lands threatens the health and safety of homestead communities.
Your Committee has heard testimony from a homestead leader and the
Department of Hawaiian Home Lands expressing concerns that better
coordination is needed between law enforcement agencies who



routinely decline responding to illegal activities on homestead lands citing their lack of jurisdiction. Your Committee finds that establishing a law enforcement agency within the Department of Hawaiian Home Lands would be beneficial to residents and promote peace, safety, and order. Therefore, this measure appropriates funds to establish a compliance and enforcement program within the Department of Hawaiian Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with all state laws and rules and county ordinances on Hawaiian home lands.

Your Committee has also heard the testimony of the Department of Law Enforcement expressing concerns that this measure is contrary to the Legislature's intent expressed through Act 278, Session Laws of Hawaii 2022 (Act 278), to consolidate state law enforcement activities by establishing the Department of Law Enforcement. The Department of Law Enforcement further testified that they are the entity tasked with administering criminal law enforcement and investigations on homestead lands, and could investigate various crimes, such as gambling, drug house activities, and human trafficking. The Department of Law Enforcement further testified that they plan to hire more law enforcement officers in January of 2024, per Act 278, and that additional funding would support them in carrying out their duties on Hawaiian home lands.

Therefore, your Committee has amended this measure by:

- (1) Deleting language that would have established the compliance and enforcement program on Hawaiian home lands;
- (2) Appropriating funds to the Department of Law Enforcement to hire law enforcement officers dedicated to serving Hawaiian home lands;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Amending the effective date to July 1, 2023; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



Your Committee notes that the Senate Draft 1 of this measure contains an unspecified appropriation amount and an unspecified number of full-time equivalent law enforcement officers. Should your Committee on Ways and Means choose to deliberate on this measure, your Committee respectfully requests that it considers inserting an appropriation amount of \$500,000 and five full-time equivalent (5.0 FTE) law enforcement officers.

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. 490, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 490, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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



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.:*	Committee Referral:	Date:
SB490	HWN, JDC/WAM	01-31-2023

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			
TOTAL	4	-	-	1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes