STAND. COM. REP. NO. 248

Honolulu, Hawaii

## MAR 0 2 2012

RE: S.B. No. 2793 S.D. 2

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2793, S.D. 1, 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 allow the Department of Hawaiian Home Lands to suspend its administrative rules for the purpose of awarding a lease to a Native Hawaiian beneficiary who has waited for a lease award for twenty years or more.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and six private individuals. Testimony in opposition to this measure was submitted by one private individual. The Office of Hawaiian Affairs submitted comments.

Your Committee finds that there are over twenty thousand applicants for Hawaiian home lands lease awards, nearly one-third of whom have waited twenty years or more for a lease award. As individuals who have applied for lease awards age, lease awards on some of Hawaii's most desolate, remote lands, on large house lots, may no longer be suitable for those senior citizens. Your Committee also finds that the Department of Hawaiian Home Lands is exploring various types of housing, including multi-generational and senior housing, and considering the suspension of administrative rules to make viable housing options accessible to

applicants who applied for lease awards no less than twenty years ago.

However, your Committee has concerns regarding the process the Department of Hawaiian Home Lands intends to use to distinguish between and choose beneficiaries who have been on the wait list for twenty years or more to be awarded leases. Furthermore, your Committee has concerns regarding the fairness of the selection process once the administrative rules are suspended and any unintended consequences as a result of suspending the rules.

Your Committee has therefore amended this measure by inserting an effective date of July 1, 2050, to ensure further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2793, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2793, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair

## The Senate Twenty-Sixth Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date: /				
SB2793, SDI	HWH, JDL 3/1/12				
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile (VC)		/			
GABBARD, Mike		/			
IHARA, Jr., Les			V		:
SLOM, Sam			W		
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TOTAL	c ·	3	2		
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
<b>Distribution:</b> Original File with Committee Re	Yellow Pink Goldenrod eport Clerk's Office Drafting Agency Committee File Copy				

\*Only one measure per Record of Votes