

Honolulu, Hawaii

**FEB 13 2020**

RE: S.B. No. 2393

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Government  
Operations, to which was referred S.B. No. 2393 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that majority of the member of the Hawaiian  
Homes Commission be beneficiaries;
- (2) Create a separate director of the Department of Hawaiian  
Homes Lands position;
- (3) Allow the State to establish an inter-agency council to  
address the purposes of the Hawaiian Homes Commission  
Act;
- (4) Require the Department to conduct quarterly reports to  
beneficiaries;
- (5) Allow the Hawaiian Homes Commission to retain counsel  
other than the Attorney General to provide services to  
the Commission and beneficiaries; and



- (6) Require an annual report to the Legislature and beneficiaries that includes a full accounting of the Act 14, Special Session, Session Laws of Hawaii 1995, moneys.

Your Committees received testimony in support of this measure from one member of the Kaua'i County Council, one member of the Maui County Council, Sovereign Council of Hawaiian Homestead Association, Association of Hawaiians for Homestead Lands, Pana'ewa Hawaii Home Lands Community Association, Keaukaha Pana'ewa Farmers Association, and seventeen individuals. Your Committees received testimony in opposition to this measure from three individuals. Your Committees received comments on this measure from the Department of the Attorney General and Department of Hawaiian Home Lands.

Your Committees find that changes are needed to reduce any appearance of conflicting interests between the Department of Hawaiian Home Lands, Hawaiian Homes Commission, and Hawaiian home lands beneficiaries. This measure will make changes to improve the governance and accountability entrusted to the Department of Hawaiian Home Lands and Hawaiian Homes Commission to fulfill their duty toward the preservation of values, traditions, culture, and self-sufficiency for native Hawaiians.

Your Committees note that the Department of Hawaiian Home Lands creates many reports and is encouraged to create a searchable database to allow those reports to be more easily located. Your Committees also note that many state agencies have counsel other than the Attorney General so the Committees see no reason why the Department of Hawaiian Home Lands should not have independent counsel to represent the Department and beneficiaries.

Your Committees have amended this measure by:

- (1) Removing language regarding beneficiary consultation and making conforming amendments;
- (2) Inserting language requiring that five of the nine Hawaiian Homes Commission members be beneficiaries of the trust; provided that out of the five beneficiaries, three shall be beneficiaries that are on the waitlist for Hawaiian home lands at the time of their appointment



and the other two shall be Department of Hawaiian Home Lands lessees;

- (3) Removing language creating a position for the Director of the Department of Hawaiian Homelands that is separate from that of the Chairperson of the Hawaiian Homes Commission and making conforming amendments;
- (4) Removing language regarding requiring the Department of Hawaiian Home Lands to provide certain annual and quarterly reports and making conforming amendments;
- (5) Incorporating proposed changes from Department of Attorney General authorizing the Governor to establish an inter-agency council;
- (6) Removing the current language regarding independent council and replacing it with language from S.B. No. 2391 (2020) also regarding independent council;
- (7) Inserting language that requires the Legislative Reference Bureau to conduct a study on the implications of creating a position for the Director of the Department of Hawaiian Home Lands that is separate from the Chairperson of the Hawaiian Homes Commission and requires the Legislative Reference Bureau to report its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the 2021 Regular Session; and
- (8) 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 Hawaiian Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2393, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2393, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

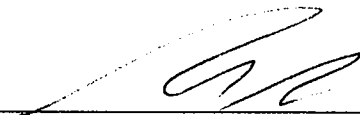


Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs  
and Government Operations,



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LAURA H. THIELEN, Chair



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MAILE S.L. SHIMABUKURO, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

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

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 2393</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">HWN/GVO, JDC/WAPA</div> Date: <div style="font-size: 1.5em; font-family: cursive;">2/6/20</div>			
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	✓			
KAHELE, Kaiali'i (VC)	✓			
IHARA, Jr., Les	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	5			0
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;"> </div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

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