

STAND. COM. REP. NO. **222**

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 1356
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. 1356 entitled:

"A BILL FOR AN ACT RELATING TO ADOPTION,"

begs leave to report as follows:

The purpose and intent of this measure is to allow an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation as provided for in accordance with the Hawaiian Homes Commission Act, 1920 (HHCA), as amended, or administrative rules, and allow the adopted individual and individual's natural family to continue having the same familial relationship.

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 Ho'omana Pono, LLC and one individual.

Your Committee finds that the effect of adoption as provided for under state law impacts the ability for an adopted individual or the individual's natural family to succeed to a homestead lease or application on the Department of Hawaiian Home Lands applicant waiting list. This measure allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent while also allowing the adopted individual and member of the individual's natural family to continue to have the



same familial relationship. Importantly, this measure does not alter any requirements under the HHCA, such as the definition of native Hawaiian, beyond the recognition of a relationship between individuals.

Your Committee notes the testimony of Ho'omana Pono, LLC, and one individual who submitted testimony in opposition, expressing concerns that this measure would allow people who are not native Hawaiian to succeed to a homestead lease through adoption. However, your Committee notes the testimony of the Department of Hawaiian Home Lands, clarifying that this measure is intended to help native Hawaiian children whose biological parents are on the homestead waiting list succeed to a lease, who would otherwise lose that legal ability as an unintended consequence of the State's adoption of the Uniform Probate Code.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1356, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1356, S.D. 1, and be referred to your Committee on Judiciary.

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.:* SB 1356	Committee Referral: HWN, JDC	Date: 02/07/2023
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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)	/			
FEVELLA, Kurt (VC)	/			
IHARA, Jr., Les	/			
KEOHOKALOLE, Jarrett	/			
RICHARDS, III, Herbert M. "Tim"	/			
TOTAL	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Kurt Fevela

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***Only one measure per Record of Votes**