

STAND. COM. REP. NO.

2132

Honolulu, Hawaii

FEB 05 2024

RE: S.B. No. 2640  
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. 2640 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 reduce the  
Department of Hawaiian Home Lands waitlist by authorizing the  
department to provide beneficiaries with a cash award to purchase  
a residential lot outside of the department's trust lands, or to  
pay the beneficiary's existing mortgage note or rent in lieu of  
awarding the beneficiary a lease.

Your Committee received testimony in support of this measure  
from two individuals.

Your Committee received testimony in opposition to this  
measure from one individual.

Your Committee received comments on this measure from the  
Department of the Attorney General, Department of Hawaiian Home  
Lands, and one individual.

Your committee finds that there are approximately twenty-four  
thousand native Hawaiian beneficiaries on the Department of  
Hawaiian Home Lands waitlist. However, the Department of Hawaiian



Home Lands does not possess sufficient land to house everyone on the waitlist. This measure simultaneously meets the housing needs of beneficiaries and reduces the number of beneficiaries on the waitlist by amending the Hawaiian Homes Commission Act to allow the Department of Hawaiian Home Lands to provide beneficiaries with a cash award in lieu of a lease.

Your Committee has amended this measure by:

- (1) Specifying that the Department of Hawaiian Home Lands may expend funds for this measure at the sole discretion of the Hawaiian Homes Commission;
- (2) Clarifying that any beneficiary that accepts a cash award shall relinquish only their right to reapply to the waitlist and is otherwise entitled to other rights provided by the Hawaiian Homes Commission Act, 1920, as amended;
- (3) Specifying that this measure shall not create any entitlement to a cash award;
- (4) Specifying that the failure of the Hawaiian Homes Commission to authorize cash awards shall not give rise to breach of trust or fiduciary duty claims;
- (5) Specifying that the funds available in the Hawaiian Home Loan Fund shall be expended for the purposes of this measure;
- (6) Making the effective date upon either the date congressional consent is deemed unnecessary or on the date of consent by the United States Congress; and
- (7) 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. 2640, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2640, S.D. 1, and be referred to your Committees on Ways and Means and 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>SB 2640</b>	Committee Referral: <b>HWN, WAM/JDC</b>	Date: <b>1/30/2024</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> 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>3</b>		<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Kurt Fevelka</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes