

STAND. COM. REP. NO.

98

Honolulu, Hawaii

FEB 10 2021

RE: S.B. No. 890
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 890 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN
AFFAIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
election process for the Office of Hawaiian Affairs Board of
Trustees so that:

- (1) Of the four at-large seat candidates without an island
residency requirement, two must reside in an urban
district and two must reside in the rural district; and
- (2) One urban district candidate and one rural district
candidate shall be elected in any election cycle.

Your Committee received testimony in support of this measure
from one individual. Your Committee received comments on this
measure from the Department of the Attorney General.

Your Committee finds that the population disparity between
urban and rural residents generally results in the election of
Office of Hawaiian Affairs Board of Trustees candidates who
prioritize urban concerns over the concerns of rural residents.
Your Committee further finds that because all Board of Trustees



candidates participate in statewide elections, urban voters distort elections even for island-specific seats. Therefore, your Committee finds that removing the statewide element of Board of Trustees elections will ensure more accurate representation of and accountability to Office of Hawaiian Affairs constituents.

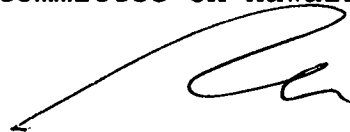
Your Committee has heard the concerns of the Department of the Attorney General that this measure eliminates the guarantee that the islands of Molokai and Kauai have a member, potentially violating article XII, section 5, of the Hawaii State Constitution which requires that Oahu, Kauai, Maui, Molokai, and Hawaii each have a seat on the Board of Trustees. The Department of the Attorney General also raised issues that this measure does not address how the nine-member Board of Trustees of the Office of Hawaiian Affairs will transition to the new board after the measure goes into effect on January 1, 2024.

Your Committee has amended this measure by:

- (1) Amending the language to ensure that the islands of Oahu, Kauai, Maui, Molokai, and Hawaii each have at least one member;
- (2) Clarifying when the terms of all four of the urban and rural district members will commence; and
- (3) 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. 890, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 890, 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-First Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 890	HWN, JDC	2/4/21		
<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			
KEOHOKALOLE, Jarrett (VC)	X			
ACASIO, Laura	X			
IHARA, Jr., Les	X			
FEVELLA, Kurt	X			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes