

____.B. NO.____

A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 28-8.3, Hawaii Revised Statutes, is
2 amended as follows:

3 (1) By amending subsection (a) to read as follows:

4 "(a) No department of the State other than the attorney
5 general may employ or retain any attorney, by contract or
6 otherwise, for the purpose of representing the State or the
7 department in any litigation, rendering legal counsel to the
8 department, or drafting legal documents for the department;
9 provided that the foregoing provision shall not apply to the
10 employment or retention of attorneys:

11 (1) By the public utilities commission, the labor and
12 industrial relations appeals board, and the Hawaii
13 labor relations board;

14 (2) By any court or judicial or legislative office of the
15 State; provided that if the attorney general is
16 requested to provide representation to a court or
17 judicial office by the chief justice or the chief
18 justice's designee, or to a legislative office by the

____.B. NO.____

1 speaker of the house of representatives and the
2 president of the senate jointly, and the attorney
3 general declines to provide such representation on the
4 grounds of conflict of interest, the attorney general
5 shall retain an attorney for the court, judicial, or
6 legislative office, subject to approval by the court,
7 judicial, or legislative office;

8 (3) By the legislative reference bureau;

9 (4) By any compilation commission that may be constituted
10 from time to time;

11 (5) By the real estate commission for any action involving
12 the real estate recovery fund;

13 (6) By the contractors license board for any action
14 involving the contractors recovery fund;

15 (7) By the office of Hawaiian affairs;

16 (8) By the department of commerce and consumer affairs for
17 the enforcement of violations of chapters 480 and
18 485A;

19 (9) As grand jury counsel;

20 (10) By the Hawaii health systems corporation, or its
21 regional system boards, or any of their facilities;

22 (11) By the auditor;

____.B. NO.____

- 1 (12) By the office of ombudsman;
- 2 (13) By the insurance division;
- 3 (14) By the University of Hawaii;
- 4 (15) By the Kahoolawe island reserve commission;
- 5 (16) By the division of consumer advocacy;
- 6 (17) By the office of elections;
- 7 (18) By the campaign spending commission;
- 8 (19) By the Hawaii tourism authority, as provided in
- 9 section 201B-2.5;
- 10 (20) By the division of financial institutions for any
- 11 action involving the mortgage loan recovery fund;
- 12 (21) By the office of information practices; [ex]
- 13 (22) By the department of Hawaiian home lands; provided
- 14 that:
- 15 (A) The department of Hawaiian home lands may use the
- 16 services of the attorney general as needed and
- 17 when the interests of the State and the
- 18 department of Hawaiian home lands are aligned;
- 19 and
- 20 (B) Legal fees owed to independent counsel shall be
- 21 paid by the State; or

____.B. NO.____

1 ~~[(22)]~~ (23) By a department, if the attorney general, for
2 reasons deemed by the attorney general to be good and
3 sufficient, declines to employ or retain an attorney
4 for a department; provided that the governor waives
5 the provision of this section."

6 (2) By amending subsection (c) to read as follows:

7 "(c) Every attorney employed by any department on a full-
8 time basis, except an attorney employed by the public utilities
9 commission, the labor and industrial relations appeals board,
10 the Hawaii labor relations board, the office of Hawaiian
11 affairs, the Hawaii health systems corporation or its regional
12 system boards, the department of commerce and consumer affairs
13 in prosecution of consumer complaints, insurance division, the
14 division of consumer advocacy, the University of Hawaii, the
15 Hawaii tourism authority as provided in section 201B-2.5, the
16 office of information practices, the department of Hawaiian home
17 lands, or as grand jury counsel, shall be a deputy attorney
18 general."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

____.B. NO.____

1 SECTION 3. This Act shall take effect upon its approval.

2

3 INTRODUCED BY:_____

4

BY REQUEST

____.B. NO.____

Report Title:

Department of Hawaiian Home Lands; Legal Counsel

Description:

Allows the Department of Hawaiian Home Lands to retain independent legal counsel as needed. Authorizes the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State and the Department of Hawaiian Home Lands are aligned. Provides that funds owed to independent legal counsel shall be paid by the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDEPENDENT
LEGAL COUNSEL.

PURPOSE: Allows the Department of Hawaiian Home
Lands to retain independent legal counsel
to be paid by the State and also use the
services of the Attorney General as
needed when the interests of the State
and the Department of Hawaiian Home Lands
are aligned.

MEANS: Amend section 28-8.3(a) and (c), Hawaii
Revised Statutes.

JUSTIFICATION: The department has a trust duty to its
beneficiaries and in the fulfillment of its
trust obligations, the department may at
times be at odds with the interests of the
State. It is at these times that the
department must be assured that its counsel
provides legal guidance strictly in the
interest of its client. Independent counsel
that is hired and retained by the department
eliminates any cloud of uncertainty that
there is a conflict of interest that the
department is represented by the Attorney
General's office that also represents the
State of Hawaii.

Impact on the public: This proposal further
protects the interest of beneficiaries of
the Hawaiian Homes Commission Act by
allowing the department to retain
independent legal counsel.

Impact on the department and other agencies:
This proposal could reduce the legal
services provided by the Attorney General's
office.

GENERAL FUND: \$500,000.

HHL-01(21)

EXHIBIT A

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the requirements of
2 section 174C-101(a), Hawaii Revised Statutes, providing that
3 adequate reserves of water for current and foreseeable
4 development of Hawaiian Home Lands be incorporated and protected
5 decisions of the commission on water resource management can be
6 improved through representation on the commission on water
7 resource management. The purpose of this bill is to add the
8 chairman of the Hawaiian homes commission or the chairman's
9 designated representative to the commission on water resource
10 management similar to the director of health or the director's
11 designee.

12 SECTION 2. Section 174C-7, Hawaii Revised Statutes, is
13 amended by amending subsections (a) and (b) to read as follows:

14 "(a) There is established within the department a
15 commission on water resource management consisting of [~~seven~~]
16 eight members which shall have exclusive jurisdiction and final
17 authority in all matters relating to implementation and

____.B. NO.____

1 administration of the state water code, except as otherwise
2 specifically provided in this chapter.

3 (b) Five members shall be appointed by the governor
4 subject to confirmation by the senate in the manner prescribed
5 in subsection (d). Each [~~member~~] of these five members shall
6 have substantial experience in the area of water resource
7 management; provided that at least one member shall have
8 substantial experience or expertise in traditional Hawaiian
9 water resource management techniques and in traditional Hawaiian
10 riparian usage such as those preserved by section 174C-101. The
11 chairperson of the board of land and natural resources shall be
12 the chairperson of the commission. The director of health or
13 the director's designee shall serve as an ex officio voting
14 member. The chairman of the Hawaiian homes commission or the
15 chairman's designated representative shall also serve as an ex
16 officio voting member."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

21 INTRODUCED BY: _____

22

BY REQUEST

____.B. NO.____

Report Title:

Water Commission; Membership; Chairman of the Hawaiian Homes Commission or Designee

Description:

Adds the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to the Commission on Water Resource Management.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

PURPOSE: Adds the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to the Commission on Water Resource Management.

MEANS: Amend section 174C-7 (a) and (b), Hawaii Revised Statutes.

JUSTIFICATION: The Water Code requires that planning decisions of the Commission on Water Resource Management ensure that sufficient water remain available for current and foreseeable development and use of Hawaiian Home Lands. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative should serve as an ex officio voting member of the Commission on Water Resource Management.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to serve as an ex officio voting member of the Commission on Water Resource Management.

Impact on the department and other agencies: An additional member would now serve on the Commission on Water Resource Management.

GENERAL FUND: None.

OTHER FUNDS: None.

HHL-02(21)

EXHIBIT A

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: Commission on Water Resource Management.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 207(a) of
2 the Hawaiian Homes Commission Act, 1920, as amended, authorizes
3 the department of hawaiian home lands to lease to native
4 Hawaiians the right to the use and occupancy of not more than
5 forty acres of agricultural lands or lands used for aquaculture
6 purposes. As the State of Hawaii looks to increase food
7 security across the State, the interests of agricultural
8 homestead lessees should be represented. The purpose of this
9 bill is to add the chairman of the Hawaiian homes commission or
10 the chairman's designated representative to the board of
11 agriculture, similar to the chairperson of the board of land and
12 natural resources and the director of business, economic
13 development, and tourism.

14 SECTION 2. Section 26-16, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) The department of agriculture shall be headed by an
17 executive board to be known as the board of agriculture. The
18 board shall consist of [~~ten~~] eleven members:

HHL-03 (21)

EXHIBIT A

____.B. NO.____

- (1) One who shall be a resident of the county of Hawaii;
- (2) One who shall be a resident of the county of Maui;
- (3) One who shall be a resident of the county of Kauai;
- (4) Four at large; and
- (5) The chairperson of the board of land and natural resources; the chairman of the Hawaiian homes commission; the director of business, economic development, and tourism; and the dean of the University of Hawaii college of tropical agriculture and human resources, or their designated representatives, who shall serve as ex officio voting members.

The majority of the members of the board shall be from the agricultural community or the agricultural support sector. The appointment, tenure, and removal of the members and the filling of vacancies on the board shall be as provided in section 26-34. The governor shall appoint a chairperson of the board from the members."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

____.B. NO.____

1 SECTION 4. This Act shall take effect upon its approval.

2

3

INTRODUCED BY: _____

4

BY REQUEST

____.B. NO.____

Report Title:

Board of Agriculture; Membership; Chairman of the Hawaiian Homes Commission

Description:

Adds the Chairman of the Hawaiian Homes Commission to the Board of Agriculture.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO AGRICULTURE.

PURPOSE: Adds the Chairman of the Hawaiian Homes Commission to the Board of Agriculture.

MEANS: Amend section 26-16(a), Hawaii Revised Statutes.

JUSTIFICATION: The Hawaii Department of Agriculture headed by the Board of Agriculture works to support, enhance, promote, and protect Hawaii's agriculture and aquaculture industries. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative should serve as an ex officio voting member of the Board of Agriculture.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to serve as an ex officio voting member of the Board of Agriculture.

Impact on the department and other agencies: An additional member would now serve on the Board of Agriculture.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: Board of Agriculture.

HHL-03 (21)

EXHIBIT 4

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 207(a) of
2 the Hawaiian Homes Commission Act, 1920, as amended, authorizes
3 the department of Hawaiian home lands to lease to native
4 Hawaiians the right to the use and occupancy of not more than
5 forty acres of agricultural lands or lands used for aquaculture
6 purposes. As the State of Hawaii looks to increase food
7 security across the State, the interests of agricultural
8 homestead lessees should be represented. The purpose of this
9 bill is to add the chairman of the Hawaiian homes commission or
10 the chairman's designated representative to the board of
11 directors of the agribusiness development corporation, similar
12 to the director of business, economic development, and tourism;
13 the chairperson of the board of agriculture; and the chairperson
14 of the board of land and natural resources.

15 SECTION 2. Section 163D-3, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) The board of directors of the corporation shall
18 consist of [~~eleven~~] twelve voting members, of whom eight shall

____.B. NO.____

1 be appointed by the governor. The terms of these eight members
2 shall be four years; provided that, commencing on July 1, 2005,
3 the governor shall reduce the terms of those initially appointed
4 so as to provide, as nearly as can be, for the expiration of an
5 equal number of terms at intervals of one year. The eight
6 members shall be selected on the basis of their knowledge,
7 experience, and proven expertise in small and large businesses
8 within the agricultural industry, agricultural economics,
9 banking, real estate, finance, promotion, marketing, and
10 management. Of these eight members, one shall be from the city
11 and county of Honolulu, one shall be from the county of Hawaii,
12 one shall be from the county of Maui, one shall be from the
13 county of Kauai, and four shall be appointed at-large. The
14 director of business, economic development and tourism; the
15 chairperson of the board of agriculture; ~~and~~ the chairperson
16 of the board of land and natural resources; and the chairman of
17 the Hawaiian homes commission, or their designated
18 representatives, shall be ex-officio, voting members of the
19 board. All members shall continue in office until their
20 respective successors have been appointed and qualified. The
21 board shall annually elect its chairperson from among its

____.B. NO.____

1 members; provided that the chairperson shall not be an ex-
2 officio member."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

7 INTRODUCED BY: _____

8

BY REQUEST

____.B. NO.____

Report Title:

Agribusiness Development Corporation; Board Membership; Chairman of the Hawaiian Homes Commission

Description:

Adds the Chairman of the Hawaiian Homes Commission to the Board of Directors of the Agribusiness Development Corporation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO AGRICULTURE.

PURPOSE: Adds the Chairman of the Hawaiian Homes Commission to the Board of Directors of the Agribusiness Development Corporation.

MEANS: Amend section 163D-3(b), Hawaii Revised Statutes.

JUSTIFICATION: The mission of the Agribusiness Development Corporation is to provide leadership and advocacy for the conversion of agribusiness into a dynamic growth industry. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative should serve as an ex officio voting member of the Board of Directors of the Agribusiness Development Corporation.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to serve as an ex officio voting member of the Board of Directors of the Agribusiness Development Corporation.

Impact on the department and other agencies: An additional member would now serve on the Board of Directors of the Agribusiness Development Corporation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

HHL-04 (21)

EXHIBIT A

OTHER AFFECTED

AGENCIES:

Agribusiness Development Corporation.

EFFECTIVE DATE:

Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HOUSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that lands utilized by
2 the department of Hawaiian home lands to provide housing for
3 native Hawaiians are offered at affordable rates when compared
4 to similar housing available in Hawaii. Since the enactment of
5 the Hawaiian Homes Commission Act, 1920, as amended, lands set
6 aside for use as Hawaiian home lands have been withdrawn for
7 other purposes, including public schools. Moreover, development
8 on Hawaiian home lands often account for the educational
9 facilities that may be needed to support the community with the
10 siting of public schools, public charter schools, early learning
11 facilities, and other similar facilities on or near Hawaiian
12 home lands. The purpose of this bill is to exempt any housing
13 development for the department of Hawaiian home lands from
14 school impact fee requirements.

15 SECTION 2. Section 302A-1603, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) The following shall be exempt from this section:

____.B. NO.____

- 1 (1) Any form of housing permanently excluding school-aged
2 children, with the necessary covenants or declarations
3 of restrictions recorded on the property;
4 (2) Any form of housing that is or will be paying the
5 transient accommodations tax under chapter 237D;
6 (3) All nonresidential development; [~~and~~]
7 (4) Any development with an executed contribution
8 agreement or other like document with the department
9 for the contribution of school sites or payment of
10 fees for school land or school construction; and
11 (5) Any housing development for the department of Hawaiian
12 home lands."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.
16

17 INTRODUCED BY: _____

18 BY REQUEST

____.B. NO.____

Report Title:

School Impact Fees; Exemption

Description:

Exempts any housing development for the Department of Hawaiian Home Lands from school impact fee requirements.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: Exempts any housing development for the Department of Hawaiian Home Lands from school impact fees.

MEANS: Amend section 302A-1603(b), Hawaii Revised Statutes.

JUSTIFICATION: Lands set aside for use as Hawaiian Home Lands were withdrawn for other purposes, including public schools, since the enactment of the Hawaiian Homes Commission Act, 1920, as amended. Additionally, the Department of Hawaiian Home Lands provides affordable housing that often account for the educational facilities that may be needed to support the community. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, any housing development for the Department of Hawaiian Home Lands should be exempt from school impact fees.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by exempting any housing development for the Department of Hawaiian Home Lands from school impact fees.

Impact on the department and other agencies: More funding could be allocated toward the development of housing instead of fees.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

HHL-05 (21)

EXHIBIT A

OTHER AFFECTED

AGENCIES: Department of Education.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HOUSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that lands utilized by
2 the department of Hawaiian home lands to provide housing for
3 native Hawaiians are offered at affordable rates when compared
4 to similar housing available in Hawaii. The purpose of this
5 bill is to exempt any housing development for the department of
6 Hawaiian home lands from general excise taxes.

7 SECTION 2. Section 237-29, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "(a) All gross income received by any qualified person or
10 firm for the planning, design, financing, construction, sale, or
11 lease in the State of a housing project that has been certified
12 or approved under section 201H-36 shall be exempt from general
13 excise taxes.

14 (b) All gross income received by a nonprofit or a limited
15 distribution mortgagor for low- and moderate-income housing
16 project certified or approved under section 201H-36 shall be
17 exempt from general excise taxes.

____.B. NO.____

1 (c) All gross income received by any qualified person or
2 firm for the planning, design, financing, or construction of any
3 housing development for the department of Hawaiian home lands
4 shall be exempt from general excise taxes.

5 (d) The director of taxation and the Hawaii housing
6 finance and development corporation shall adopt rules pursuant
7 to chapter 91 for the purpose of this section, including any
8 time limitation for the exemptions."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

13 INTRODUCED BY: _____

14

BY REQUEST

____.B. NO.____

Report Title:

Housing; General Excise Tax Exemption

Description:

Exempts any housing development for the Department of Hawaiian Home Lands from general excise taxes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: Exempts any housing development for the Department of Hawaiian Home Lands from general excise taxes.

MEANS: Amend section 237-29, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Hawaiian Home Lands provides housing at affordable rates when compared to similar housing available in Hawaii. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, any housing development for the Department of Hawaiian Home Lands should be exempt from general excise taxes.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by exempting any housing development for the Department of Hawaiian Home Lands from general excise taxes.

Impact on the department and other agencies: More funding could be allocated toward the development of housing instead of taxes.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

HHL-06 (21)

EXHIBIT A

____.B. NO.____

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State's streams,
2 groundwater, and ocean are being harmed by nonpoint
3 contamination sources that flow directly off the land, rather
4 than through pipes or ditches. Cesspools are a nonpoint
5 contamination source of great concern. These substandard
6 systems are essentially holes in the ground that do not treat
7 wastewater but merely dispose of it.

8 The legislature further finds that there are approximately
9 88,000 cesspools in the State, with nearly 50,000 on Hawaii
10 island, approximately 14,000 on Kauai, over 12,000 on Maui, over
11 11,000 on Oahu, and approximately 1,400 on Molokai.
12 Collectively, the State's cesspools release more than 53,000,000
13 gallons of untreated sewage into the ground each day. Hawaii
14 relies on groundwater for ninety per cent of its drinking water.

15 In response to the State's cesspool pollution problem,
16 legislation was enacted in 2017 that requires all cesspools not
17 excluded by the director of health to be upgraded or converted
18 to septic systems or aerobic treatment unit systems, or

____.B. NO.____

1 connected to sewage systems by January 1, 2050. In order to
2 work toward meeting this deadline, cesspools on Hawaiian home
3 lands could be a good place to start.

4 The purpose of this Act is to establish a low interest loan
5 program to offer financial assistance for lessees on Hawaiian
6 home lands with cesspools to be upgraded or converted to septic
7 systems or aerobic treatment unit systems, or connected to
8 existing sewer systems or any other wastewater treatment systems
9 approved by the department of health.

10 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§342D- Cesspool remediation and conversion loan
14 program. (a) There is established the cesspool remediation and
15 conversion loan program to be administered by the department in
16 coordination with each county water and sewage department. The
17 program may provide low interest loans to lessees of the
18 department of Hawaiian home lands who:

19 (1) Upgrade or convert a cesspool to:

20 (A) A septic system; or

____.B. NO.____

1 (B) An aerobic treatment unit system, as defined in
2 section 342D-72 and approved by the department;
3 or

4 (2) Connect a cesspool to:

5 (A) An existing sewer system; or

6 (B) Any wastewater treatment system approved by the
7 department

8 (b) The loan program may include an on-bill financing
9 option supported by the water pollution control revolving fund
10 established in section 342D-83."

11 SECTION 3. Section 342D-83, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The purpose of the revolving fund is to provide
14 financial assistance to eligible parties for projects or
15 activities to:

16 (1) Enable counties and state agencies to plan, design,
17 and construct publicly owned wastewater treatment
18 works in accordance with title 33 United States Code
19 sections 1381 to 1387;

20 (2) Enable eligible parties to implement management
21 programs established under title 33 United States Code
22 section 1329;

____.B. NO.____

- 1 (3) Enable eligible parties to implement conservation and
2 management plans established under title 33 United
3 States Code section 1330;
- 4 (4) Enable eligible parties to construct, repair, or
5 replace a privately owned decentralized wastewater
6 treatment system and individual wastewater system that
7 treats municipal wastewater or domestic sewage under
8 title 33 United States Code section 1383;
- 9 (5) Enable eligible nonprofit entities to provide
10 assistance to small and medium sized publicly owned
11 treatment works for training activities, planning,
12 design, and associated preconstruction activities
13 under title 33 United States Code section 1383;
- 14 (6) Enable eligible parties to manage, reduce, treat, or
15 recapture stormwater or subsurface drainage water
16 under title 33 United States Code section 1383;
- 17 (7) Enable eligible parties to develop and implement
18 watershed projects meeting the criteria under title 33
19 United States Code section 1274;
- 20 (8) Enable counties and state agencies to reduce the
21 demand for publicly owned treatment works capacity

____.B. NO.____

1 through water conservation, efficiency, or reuse under
2 title 33 United States Code section 1383;

3 (9) Enable counties and state agencies to reduce the
4 energy consumption needs for publicly owned treatment
5 works under title 33 United States Code section 1383;

6 (10) Enable eligible parties to reuse or recycle
7 wastewater, stormwater, or subsurface drainage water
8 under title 33 United States Code section 1383; ~~[and]~~

9 (11) Enable eligible parties to increase the security of
10 publicly owned treatment works under title 33 United
11 States Code section 1383 ~~[-]~~; and

12 (12) Enable the department to coordinate with each county
13 agency responsible for wastewater to establish a low
14 interest loan program to upgrade or convert cesspools
15 for lessees on Hawaiian home lands to septic systems
16 or aerobic treatment unit systems, or to connect
17 cesspools to existing sewer systems or any other
18 wastewater treatment systems approved by the
19 department. "

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

____.B. NO.____

1 SECTION 5. This Act shall take effect upon its approval.

2

3

INTRODUCED BY: _____

4

BY REQUEST

____.B. NO.____

Report Title:

Cesspools; Upgrade and Conversion; Low Interest Loan Program

Description:

Authorizes the Department of Health to coordinate with each county wastewater agency to establish a low interest loan program for lessees on Hawaiian Home Lands to upgrade or convert cesspools to septic systems or aerobic treatment unit systems, or to connect cesspools to existing sewer systems or other wastewater treatment systems approved by the department.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO CESSPOOLS.

PURPOSE: Establishes a low interest loan program to offer financial assistance for lessees on Hawaiian Home Lands with cesspools to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to existing sewer systems or any other wastewater treatment systems approved by the Department of Health.

MEANS: Adds a new section to Chapter 342D, Hawaii Revised Statutes.

JUSTIFICATION: Cesspools are a nonpoint contamination source of great concern. Collectively, the State's cesspools release more than 53 million gallons of untreated sewage into the ground each day. In response to the State's cesspool pollution problem, legislation was enacted in 2017 that requires all cesspools not excluded by the Director of Health to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to sewage systems by January 1, 2050. In order to work toward meeting this deadline, cesspools on Hawaiian Home Lands could be a good place to start.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by establishing a low interest loan program to offer financial assistance for lessees on Hawaiian Home Lands with cesspools to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to existing sewer systems or any other wastewater treatment systems approved by the Department of Health.

HHL-07(21)

EXHIBIT A

Impact on the department and other agencies:
Reduce the number of cesspools across the
State.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Department of Health.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE COUNTY BOARDS OF WATER SUPPLY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Article XII, Section
2 2 of the Constitution, states in part that "The State and its
3 people do further agree and declare that the spirit of the
4 Hawaiian Homes Commission Act looking to the continuance of the
5 Hawaiian homes projects for the further rehabilitation of the
6 Hawaiian race shall be faithfully carried out." This obligation
7 held by the State is also held by the counties, which are under
8 Article VIII of the Constitution administrative subdivisions of
9 the state.

10 The legislature further finds that the lack of available
11 water has been and remains a significant barrier to the state's
12 ability to faithfully carry out Hawaiian homes projects. The
13 county boards and departments of water supply have no
14 administrative rules or policies for differentiating and
15 prioritizing the development and provision of water for Hawaiian
16 homes projects when compared to other State or even private
17 projects, and therefore some counties have treated the
18 department of Hawaiian home lands like any other developer.

.B. NO.

1 The legislature further finds that working with the
2 department of Hawaiian home lands, the commission on water
3 resource management has set some ground water and surface water
4 reservations for Hawaiian homes projects on Kaua'i, O`ahu,
5 Moloka`i, Lāna`i, Maui, and Hawai`i islands, and continues to
6 set additional reservations in partial fulfillment of the
7 requirements of section 174C-101(a), Hawaii Revised Statutes.

8 The legislature further finds that this necessary action by
9 the commission on water resource management will result in being
10 nothing more than the noting of numbers on paper unless the
11 counties as administrative subdivisions of the state, and
12 particularly their boards and departments of water supply,
13 fulfill their legal obligations to faithfully take actions
14 within their powers to fulfill the Hawaiian Homes Commission Act
15 in spirit and practice.

16 The purpose of this bill is to clarify requirements on the
17 county boards of water supply to fulfill the Constitutional
18 mandate.

19 SECTION 2. Chapter 54, Hawaii Revised Statutes, is amended
20 by adding a new section to be appropriately designated and to
21 read as follows:

____.B. NO.____

1 "§54- County boards of water supply and their obligation
2 to the department of hawaiian home lands. (a) All boards have,
3 as parts of their counties which are subdivisions of the State,
4 legal obligations to faithfully take actions within their powers
5 to fulfill the Hawaiian Homes Commission Act in spirit and
6 practice.

7 (b) Prior to June 30 of each fiscal year, the boards shall
8 transmit to the department of Hawaiian home lands an accounting
9 of all water credits held by the county for all of their
10 respective systems. The department of Hawaiian home lands shall
11 inform the counties by no later than September 30 of that same
12 fiscal year which credits it will need to be allocated towards
13 its uses under Section 221 of the Hawaiian Homes Commission Act.
14 The boards shall reserve those credits for the use of the
15 department of Hawaiian home lands and not allocate them to any
16 other user unless the department of Hawaiian home lands
17 surrenders those credits.

18 (c) In the negotiation of any water development, water
19 credit, or similar agreement, the counties shall not withhold
20 any water developed by the department of Hawaiian home lands for
21 the board's own use and allocation, but shall instead credit the

____.B. NO.____

1 department of Hawaiian home lands the full amount of credits
2 justified by the water development.

3 (d) The boards shall develop policies to implement in case
4 of water shortage that do not call for equal percentage
5 reductions in use, but rather first require reductions in non
6 public trust uses of water, including the uses on Hawaiian home
7 lands under Section 221 of the act.

8 (e) No later than July 30, 2022, the boards shall apply
9 for water licenses of any waters they develop or have in their
10 system emanating from state lands, under section 171-58, Hawaii
11 Revised Statutes.

12 (f) All sections in this Part shall apply, any provisions
13 in a county charter or ordinance notwithstanding."

14 SECTION 3. Section 54-12, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "If a county does not have an existing board of water
17 supply, there shall be a board of water supply for each county
18 consisting of seven members of whom five shall be nominated, and
19 by and with the advice and consent of the council, appointed by
20 the mayor, provided that at least one of the five members shall
21 represent the interests to be served by the allocation of water
22 for current and foreseeable development and use of Hawaiian home

____.B. NO.____

1 lands as set forth in section 221 of the Hawaiian Homes
2 Commission Act, one of whom shall be the state district engineer
3 of the state department of transportation and one of whom shall
4 be the chief engineer of the respective county.

5 No employee or officer of any county shall be eligible to
6 serve as a board member, except as otherwise provided herein.

7 The members of the board shall serve without pay, but shall
8 be reimbursed for their reasonable expenses incurred in the
9 discharge of their duties as members of the board.

10 The term of office of each appointed member of the board
11 shall be five years from the date of the member's appointment;
12 provided that of the initial members one shall be appointed for
13 a term to expire on January 1, 1963; one for a term to expire on
14 January 1, 1964; one for a term to expire on January 1, 1965;
15 one for a term to expire on January 1, 1966; and one for a term
16 to expire on January 1, 1967. Any vacancy occurring on the
17 board shall be filled in accordance with the foregoing
18 provisions for the unexpired portion of the term concerned."

19 SECTION 4. Section 54-52, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "The eight appointive members of the board of water supply
22 shall be appointed by the chairperson of the council of the

____.B. NO.____

1 county, with the approval of the council, provided that at least
2 two of the eight members shall represent the interests to be
3 served by the allocation of water for current and foreseeable
4 development and use of Hawaiian home lands as set forth in
5 section 221 of the Hawaiian Homes Commission Act. The
6 chairperson shall likewise designate the chairperson of the
7 board of water supply from among the appointive members. The
8 members of the board shall serve without pay, but shall be
9 reimbursed for their reasonable expenses. Each member of the
10 board shall be, at the time of the member's appointment, an
11 elector of the county of Hawaii and shall have been such for at
12 least three years next preceding the member's appointment. Any
13 member of the board may be removed from office by the
14 chairperson of the council of the county, with the approval of
15 the council.

16 Membership of the board shall include four members who are
17 residents of the district of North or South Hilo, provided that
18 at least one of the four members shall represent the interests
19 to be served by the allocation of water for current and
20 foreseeable development and use of Hawaiian home lands as set
21 forth in section 221 of the Hawaiian Homes Commission Act and;
22 one of the four members shall be the person who for the time

____.B. NO.____

1 being shall be the legal incumbent of the office of the chief
2 engineer of the department of public works of the county. In
3 addition, one member shall be a resident of the district of
4 North Kona or South Kona, one member shall be a resident of the
5 district of North Kohala or South Kohala, one member shall be a
6 resident of the district of Hamakua, one member shall be a
7 resident of the district of Puna, and one member shall be a
8 resident of the district of Kau. Of these five members from
9 different geographic regions of the county of Hawaii, at least
10 one of the five members shall represent the interests to be
11 served by the allocation of water for current and foreseeable
12 development and use of Hawaiian home lands as set forth in
13 section 221 of the Hawaiian Homes Commission Act.

14 The term of office of the appointive members of the board
15 shall be five years from and after the date of their respective
16 appointments. Any vacancy occurring on the board shall be
17 filled by appointment. The one appointed to fill the vacancy
18 shall serve only for the unexpired term of the person whom the
19 appointive member succeeds. Officers and employees of the
20 county of Hawaii shall not be eligible for appointive membership
21 on the board."

22 SECTION 5. New statutory material is underscored.

____.B. NO.____

1 SECTION 6. This Act shall take effect upon its approval.

2

3

INTRODUCED BY: _____

4

BY REQUEST

____.B. NO.____

Report Title:

County Boards of Water Supply; Department of Hawaiian Home Lands

Description:

Clarify requirements on the County Boards of Water Supply. Add representation on the County Boards of Water Supply of the interests to be served by the allocation of water for current and foreseeable development and use of Hawaiian Home Lands as set forth in section 221 of the Hawaiian Homes Commission Act.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COUNTY
BOARDS OF WATER SUPPLY.

PURPOSE: Clarifies requirements on the County
Boards of Water Supply and adds
representation on the County Boards of
Water Supply of the interests to be
served by the allocation of water for
current and foreseeable development and
use of Hawaiian Home Lands as set forth
in section 221 of the Hawaiian Homes
Commission Act.

MEANS: Adds a new section to Chapter 54, Hawaii
Revised Statutes and amends section 54-12
and 54-52.

JUSTIFICATION: The lack of available water has been and
remains a significant barrier to the state's
ability to faithfully carry out Hawaiian
Homes projects. The County Boards and
Departments of Water Supply have no
administrative rules or policies for
differentiating and prioritizing the
development and provision of water for
Hawaiian Homes projects when compared to
other State or even private projects. In
order to further the interest of
beneficiaries of the Hawaiian Homes
Commission Act, this bill clarifies the
requirements and adds representation on the
County Boards of Water Supply.

Impact on the public: This proposal further
protects the interest of beneficiaries of
the Hawaiian Homes Commission Act by
clarifying the requirements and adding
representation on the Boards of Water
Supply.

HHL-08 (21)

EXHIBIT A

Impact on the department and other agencies:
More accountability for the allocation of
water for current and foreseeable
development and use of Hawaiian Home Lands.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO WATER RIGHTS

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that programs for
2 watershed management by the department of land and natural
3 resources, the betterment of the conditions of native Hawaiians
4 and Hawaiians by the office of Hawaiian affairs, and operation
5 of the native Hawaiian rehabilitation fund all benefit from
6 revenues generated by the disposition of water rights.

7 SECTION 2. Section 171-58, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "(a) Except as provided in this section the right to any
10 mineral or surface or ground water shall not be included in any
11 lease, agreement, or sale, this right being reserved to the
12 State; provided that the board may make provisions in the lease,
13 agreement, or sale, for the payment of just compensation to the
14 surface owner for improvements taken as a condition precedent to
15 the exercise by the State of any reserved rights to enter,
16 sever, and remove minerals or to capture, divert, or impound
17 water.

.B. NO.

1 (b) Disposition of mineral rights shall be in accordance
2 with the laws relating to the disposition of mineral rights
3 enacted or hereafter enacted by the legislature.

4 (c) Disposition of water rights may be made by lease at
5 public auction as provided in this chapter or by permit for
6 temporary use on a month-to-month basis under those conditions
7 which will best serve the interests of the State and subject to
8 a maximum term of one year and other restrictions under the law;
9 provided that any disposition by lease shall be subject to
10 disapproval by the legislature by two-thirds vote of either the
11 senate or the house of representatives or by majority vote of
12 both in any regular or special session next following the date
13 of disposition; provided further that after a certain land or
14 water use has been authorized by the board subsequent to public
15 hearings and conservation district use application and
16 environmental impact statement approvals, water used in
17 nonpolluting ways, for nonconsumptive purposes because it is
18 returned to the same stream or other body of water from which it
19 was drawn, essentially not affecting the volume and quality of
20 water or biota in the stream or other body of water, may also be
21 leased by the board with the prior approval of the governor and

____.B. NO.____

1 owned by the lessee so much water as it may deem necessary to
2 (1) preserve human life and (2) preserve animal life, in that
3 order of priority; and that from waters leased from the State
4 the board, at any time during the term of the lease of water
5 rights, may also withdraw so much water as it may deem necessary
6 to preserve crops; provided that payment for the waters shall be
7 made in the same manner as provided in this section.

8 (e) Any new lease of water rights shall contain a covenant
9 that requires the lessee and the department of land and natural
10 resources to jointly develop and implement a watershed
11 management plan. The board shall not approve any new lease of
12 water rights without the forgoing covenant or a watershed
13 management plan. The board shall prescribe the minimum content
14 of a watershed management plan; provided that the watershed
15 management plan shall require the prevention of the degradation
16 of surface water and ground water quality to the extent that
17 degradation can be avoided using reasonable management
18 practices.

19 (f) Upon renewal, any lease of water rights shall contain
20 a covenant that requires the lessee and the department of land
21 and natural resources to jointly develop and implement a
22 watershed management plan. The board shall not renew any lease

____.B. NO.____

1 of water rights without the foregoing covenant or a watershed
2 management plan. The board shall prescribe the minimum content
3 of a watershed management plan; provided that the watershed
4 management plan shall require the prevention of the degradation
5 of surface water and ground water quality to the extent that
6 degradation can be avoided using reasonable management
7 practices.

8 (g) The department of land and natural resources shall
9 notify the department of Hawaiian home lands of its intent to
10 execute any new lease, or to renew any existing lease of water
11 rights. After consultation with affected beneficiaries, these
12 departments shall jointly develop a reservation of water rights
13 sufficient to support current and future homestead needs. Any
14 lease of water rights or renewal shall be subject to the rights
15 of the department of Hawaiian home lands as provided by section
16 221 of the Hawaiian Home Commission Act.

17 (h) Any disposition of water rights by the state, or land
18 with associated water rights, must comply with this
19 section. Permits issued under Part IV of HRS 174C must also
20 have a disposition under this section issued by the board no
21 later than December 31, 2025.

BY REQUEST

____.B. NO.____

Report Title:

Water Rights; Upset Price; Minimum Price

Description:

Sets the upset price if the disposition of water is by lease or the minimum price if disposed by direct negotiation.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO WATER RIGHTS.

PURPOSE: Sets the upset price if the disposition of water is by lease or the minimum price if disposed by direct negotiation.

MEANS: Adds two new subsections to 171-58, Hawaii Revised Statutes.

JUSTIFICATION: Revenues generated by the disposition of water rights benefit programs for watershed management by the Department of Land and Natural Resources, the betterment of conditions of native Hawaiians and Hawaiians by the Office of Hawaiian Affairs, and operation of the native Hawaiian rehabilitation fund.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by setting the upset price if the disposition of water is by lease or the minimum price if disposed by direct negotiation.

Impact on the department and other agencies: Increase revenue for the Department of Land and Natural Resources, Office of Hawaiian Affairs, and native Hawaiian rehabilitation fund.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: Department of Land and Natural Resources.
Office of Hawaiian Affairs.

HHL-09 (21)

EXHIBIT A

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO COUNTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that lands utilized by
2 the department of Hawaiian home lands to provide housing for
3 native Hawaiians are offered at affordable rates when compared
4 to similar housing available in Hawaii. The purpose of this
5 bill is to require counties to provide for the maintenance of
6 infrastructure for any housing development for the department of
7 Hawaiian home lands within a specified time and under certain
8 conditions.

9 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
10 by adding a new section to be appropriately designated and to
11 read as follows:

12 "§46- Infrastructure maintenance; housing development
13 for the department of hawaiian home lands. (a) Notwithstanding
14 any other provision to the contrary, infrastructure for any
15 housing development for the department of Hawaiian home lands
16 shall be maintained by the county in which the housing
17 development is located within sixty days of the receipt by the

____.B. NO.____

1 appropriate county council of a completed application for
2 maintenance request; provided that:

3 (1) Applicable meter and connection fees and utility costs
4 relating to the infrastructure have been paid;

5 (2) The infrastructure conforms to applicable county
6 standards in effect at the time of construction; and

7 (3) The completion of the improvements of the
8 infrastructure is granted approval by the county.

9 (b) For the purposes of this section:

10 "Infrastructure" includes waterlines and appurtenances,
11 storm drainage, including catch basins, sewerlines and
12 appurtenances, waste disposal and waste treatment systems,
13 roadway improvements including pavement, gutters, curbing,
14 sidewalks, street trees, and street lighting that connect to
15 county infrastructure."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

19 INTRODUCED BY: _____

20

BY REQUEST

____.B. NO.____

Report Title:

Counties; Department of Hawaiian Home Lands; Infrastructure

Description:

Requires counties within 60 days to maintain infrastructure, under specified conditions, as part of any housing development for the Department of Hawaiian Home Lands.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO COUNTIES.

PURPOSE: Requires the Counties within 60 days to maintain infrastructure, under specified conditions, as part of any housing development for the Department of Hawaiian Home Lands.

MEANS: Adds a new section to Chapter 46, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Hawaiian Home Lands complies with County requirements when developing subdivisions, yet the maintenance of infrastructure is often still the responsibility of the Department.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by requiring the Counties to maintain infrastructure as part of any housing development for the Department of Hawaiian Home Lands.

Impact on the department and other agencies: More funding could be allocated toward the development of housing instead of maintenance of infrastructure.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

HHL-10 (21)

EXHIBIT A

____.B. NO.____

A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Article XII, Section
2 2 of the Constitution, states in part that "The State and its
3 people do further agree and declare that the spirit of the
4 Hawaiian Homes Commission Act looking to the continuance of the
5 Hawaiian homes projects for the further rehabilitation of the
6 Hawaiian race shall be faithfully carried out." Affording the
7 opportunity to utilize lands designated for agriculture by the
8 department of Hawaiian home lands would allow for increased
9 revenue for both beneficiaries and the department of Hawaiian
10 home lands. The purpose of this bill is to expand the
11 industrial hemp pilot program to the Hawaiian home lands.

12 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "141- Industrial hemp pilot program on hawaiian home
16 lands. (a) The department of agriculture shall advise and
17 assist the department of Hawaiian home lands in expanding the
18 industrial hemp pilot program on Hawaiian home lands."

____.B. NO.____

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

3

4 INTRODUCED BY:_____

5 BY REQUEST

____.B. NO.____

Report Title:

Industrial Hemp; Department of Hawaiian Home Lands

Description:

Expands the industrial hemp pilot program on Hawaiian Home Lands.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP.

PURPOSE: Expands the industrial hemp pilot program administered by the Department of Agriculture on Hawaiian Home Lands.

MEANS: Adds a new section to Chapter 141, Hawaii Revised Statutes.

JUSTIFICATION: The Department's large agricultural land holdings provide great opportunity for the State to diversify its economic outputs and revenue. The opportunity to cultivate industrial hemp would increase jobs and training for native Hawaiians in the development of this new sector.

Impact on the public: The Department, its beneficiaries, and its licensees would have increased opportunity to take advantage of a burgeoning economic sector.

Impact on the department and other agencies: The Department of Hawaiian Home Lands, the Department of Agriculture, and the Board of Agriculture would need to collaborate to ensure proper compliance and development of the industrial hemp industry within the confines of the pilot program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: Department of Agriculture.

EFFECTIVE DATE: Upon approval.

HHL-12 (21)

EXHIBIT 4

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 6E-8, Hawaii
2 Revised Statutes, plays an important role in the protection and
3 management of the State's historic properties and burial sites.
4 Section 6E-8(c) requires the department of Hawaiian home lands,
5 prior to any proposed project relating to lands under its
6 jurisdiction, to consult with the department of land and natural
7 resources regarding the effect of the project upon historic
8 property or a burial site. The purpose of this bill is to allow
9 the department of Hawaiian home lands to assume review of the
10 effect of any proposed project on historic properties or burial
11 sites for lands under its jurisdiction.

12 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) The department of Hawaiian home lands [~~prior to~~
15 may assume review of the effect of any proposed project relating
16 to lands under its jurisdiction [~~shall consult with the~~
17 ~~department~~] regarding the effect of the project upon historic
18 property or a burial site."

3 SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY: _____

BY REQUEST

____.B. NO. _____

Report Title:

DHHL; Project Reviews of Proposed State Projects

Description:

Allows the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION REVIEWS.

PURPOSE: Allows the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.

MEANS: Amend section 6E-8 (c), Hawaii Revised Statutes.

JUSTIFICATION: Instead of requiring the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this proposal would streamline the process by allowing the Department of Hawaiian Home Lands to assume this review.

Impact on the public: This proposal advances the interest of beneficiaries of the Hawaiian Homes Commission Act by streamlining the review process for any proposed project on Hawaiian Home Lands.

Impact on the department and other agencies: The Department of Hawaiian Home Lands would assume this function for lands under its jurisdiction freeing up those resources for the Department of Land and Natural Resources to service other agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES:

Department of Land and Natural Resources.

EFFECTIVE DATE:

Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE EXPEDITED AGENCY HEARING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that certain activity
2 that threatens the health and safety of the community should be
3 expedited for review by each state agency. The purpose of this
4 bill is to establish an expedited agency hearing.

5 SECTION 2. Chapter 91, Hawaii Revised Statutes, is amended
6 by adding a new section to be appropriately designated and to
7 read as follows:

8 "§91- Expedited agency hearing. (a) The expedited
9 agency hearing is established for any proceeding that involves:

10 (1) Any criminal activity that threatens the health and
11 safety of the community, or

12 (2) Any drug-related criminal activity.

13 (b) The expedited agency hearing shall be promptly
14 scheduled for a time and place reasonably convenient to both the
15 party and the agency. A written notification specifying the
16 time, place, and procedures governing the hearing shall be
17 delivered to the party.

____.B. NO.____

Report Title:

Administrative Procedure; Expedited Agency Hearing

Description:

Establishes an expedited agency hearing for any criminal activity that threatens the health and safety of the community or any drug-related criminal activity.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE EXPEDITED AGENCY HEARING.

PURPOSE: Establishes an expedited agency hearing for any criminal activity that threatens the health and safety of the community or any drug-related criminal activity.

MEANS: Adds a new section to Chapter 91, Hawaii Revised Statutes.

JUSTIFICATION: Concerns have arisen regarding ongoing activity that is threatening the health and safety of the community. This bill will establish an expedited agency hearing allowing for a prompt response.

Impact on the public: This proposal protects the health and safety of communities.

Impact on the department and other agencies: All state agencies would have the means to promptly respond to concerns that threaten health and safety.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: State agencies.

EFFECTIVE DATE: Upon approval.