A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

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

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

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

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

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

(2) By any court or judicial or legislative office of the State; provided that if the attorney general is requested to provide representation to a court or judicial office by the chief justice or the chief justice's designee, or to a legislative office by the
speaker of the house of representatives and the
president of the senate jointly, and the attorney
general declines to provide such representation on the
grounds of conflict of interest, the attorney general
shall retain an attorney for the court, judicial, or
legislative office, subject to approval by the court,
judicial, or legislative office;

(3) By the legislative reference bureau;

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

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

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

(7) By the office of Hawaiian affairs;

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

(9) As grand jury counsel;

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

(11) By the auditor;
(12) By the office of ombudsman;

(13) By the insurance division;

(14) By the University of Hawaii;

(15) By the Kahoolawe island reserve commission;

(16) By the division of consumer advocacy;

(17) By the office of elections;

(18) By the campaign spending commission;

(19) By the Hawaii tourism authority, as provided in section 201B-2.5;

(20) By the division of financial institutions;

(21) By the office of information practices; [ex]

(22) By the department of Hawaiian home lands; provided that:

(A) The department of Hawaiian home lands may 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;

and

(B) Legal fees owed to independent counsel shall be paid by the State; or

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

(2) By amending subsection (c) to read as follows:
"(c) Every attorney employed by any department on a full-
time basis, except an attorney employed by the public utilities
commission, the labor and industrial relations appeals board,
the Hawaii labor relations board, the office of Hawaiian
affairs, the Hawaii health systems corporation or its regional
system boards, the department of commerce and consumer affairs
in prosecution of consumer complaints, insurance division, the
division of consumer advocacy, the University of Hawaii, the
Hawaii tourism authority as provided in section 201B-2.5, the
office of information practices, the department of Hawaiian home
lands, or as grand jury counsel, shall be a deputy attorney
general."

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

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

INTRODUCED BY: ____________________________

BY REQUEST

HHL-01(22)
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(22)
OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.
A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

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

SECTION 1. The legislature finds that the requirements of section 174C-101(a), Hawaii Revised Statutes, providing that adequate reserves of water for current and foreseeable development of Hawaiian home lands be incorporated and protected decisions of the commission on water resource management can be improved through representation on the commission on water resource management. The purpose of this Act is to add the chairman of the Hawaiian homes commission or the chairman's designated representative to the commission on water resource management similar to the director of health or the director's designee.

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

"(a) There is established within the department a commission on water resource management consisting of [seven] eight members which shall have exclusive jurisdiction and final authority in all matters relating to implementation and
administration of the state water code, except as otherwise specifically provided in this chapter.

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

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

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

INTRODUCED BY:______________________________

BY REQUEST
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.
PPBS PROGRAM
DESIGNATION: HHL 625.


EFFECTIVE DATE: Upon approval.
A BILL FOR AN ACT

RELATING TO TAX EXEMPTION.

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

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

SECTION 2. Chapter 237, Hawaii Revised Statutes, is
amended by adding a new section to be appropriately designated
and to read as follows:

"§237- Exemptions for any homestead development for the
department of Hawaiian home lands. (a) There shall be exempted
from the measure of the taxes imposed by this chapter, all gross
proceeds arising from the planning, design, financing, or
construction of any homestead development for the department of
Hawaiian home lands as provided in this section.

(b) The exemption shall be approved by the department of
Hawaiian home lands and shall apply to the gross income derived
by any qualified person or firm from a newly constructed or a

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moderately or substantially rehabilitated project that is developed:

1. For the department of Hawaiian home lands;
2. Under a government assistance program approved by the department of Hawaiian home lands;
3. Under the sponsorship of a nonprofit organization providing home rehabilitation or new homes for qualified families in need of decent, low-cost housing; or
4. To provide affordable rental housing where at least fifty per cent of the available units are for households with incomes at or below eighty per cent of the area median family income as determined by the United States Department of Housing and Urban Development.

(c) The allowable general excise tax and use tax costs shall apply to contracting only and shall not exceed $30,000,000 per year in the aggregate for all projects approved and certified by the department of Hawaiian home lands; and

(d) All claims for exemption under this section shall be filed with and certified by the department of Hawaiian home lands and forwarded to the department of taxation by the
claimant. Any claim for exemption that is filed and approved, shall not be considered a subsidy.

(e) The department of Hawaiian home lands may establish, revise, charge, and collect a reasonable service fee, as necessary, in connection with its approvals and certifications of the exemption under this section. The fees shall be deposited into the department of Hawaiian home lands administration account.

(f) For purposes of this section:

"Homestead development" means development of residential, agricultural, or pastoral lots to be awarded as homestead leases pursuant to the Hawaiian Homes Commission Act or 1920, as amended, including, but not limited to, on- and off-site infrastructure requirements, and dwelling units upon those lots.

"Moderately rehabilitated" means rehabilitation to upgrade a dwelling unit to a decent, safe, and sanitary condition, or to repair or replace major building systems or components in danger of failure.

"Substantially rehabilitated":

(1) Means the improvement of a property to a decent, safe, and sanitary condition that requires more than routine
or minor repairs or improvements. It may include but
shall not be limited to:

(A) The gutting and extensive reconstruction of a
dwelling unit; or

(B) Cosmetic improvements coupled with the curing of
a substantial accumulation of deferred
maintenance; and

(2) Includes renovation, alteration, or remodeling to
convert or adapt structurally sound property to the
design and condition required for a specific use, such
as conversion of a hotel to housing for elders."

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: ________________

BY REQUEST
Report Title:
Homestead Development; General Excise Tax Exemption

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

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO TAX EXEMPTION.

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

MEANS: Adds a new section to Chapter 237, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Hawaiian Home Lands provides homesteads for native Hawaiians at affordable rates when compared to similar development available in Hawaii. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, any homestead 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 homestead 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 homesteads instead of taxes.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

HHL-03(22)
A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

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

The legislature further finds that there are approximately 88,000 cesspools in the State, with nearly 50,000 on Hawaii island, approximately 14,000 on Kauai, over 12,000 on Maui, over 11,000 on Oahu, and approximately 1,400 on Molokai.

Collectively, the State's cesspools release more than 53,000,000 gallons of untreated sewage into the ground each day. Hawaii relies on groundwater for ninety per cent of its drinking water.

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.

The purpose of this Act is to establish 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.

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

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

(l) Upgrade or convert a cesspool to:

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

or

(2) Connect a cesspool to:

(A) An existing sewer system; or

(B) Any wastewater treatment system approved by the
department

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

SECTION 3. Section 342D-83, Hawaii Revised Statutes, is
amended by amending subsection (b) to read as follows:
"(b) The purpose of the revolving fund is to provide
financial assistance to eligible parties for projects or
activities to:

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

(2) Enable eligible parties to implement management
programs established under title 33 United States Code
section 1329;
(3) Enable eligible parties to implement conservation and
management plans established under title 33 United
States Code section 1330;

(4) Enable eligible parties to construct, repair, or
replace a privately owned decentralized wastewater
treatment system and individual wastewater system that
treats municipal wastewater or domestic sewage under
title 33 United States Code section 1383;

(5) Enable eligible nonprofit entities to provide
assistance to small and medium sized publicly owned
treatment works for training activities, planning,
design, and associated preconstruction activities
under title 33 United States Code section 1383;

(6) Enable eligible parties to manage, reduce, treat, or
recapture stormwater or subsurface drainage water
under title 33 United States Code section 1383;

(7) Enable eligible parties to develop and implement
watershed projects meeting the criteria under title 33
United States Code section 1274;

(8) Enable counties and state agencies to reduce the
demand for publicly owned treatment works capacity
through water conservation, efficiency, or reuse under
title 33 United States Code section 1383;
(9) Enable counties and state agencies to reduce the
energy consumption needs for publicly owned treatment
works under title 33 United States Code section 1383;
(10) Enable eligible parties to reuse or recycle
wastewater, stormwater, or subsurface drainage water
under title 33 United States Code section 1383; [and]
(11) Enable eligible parties to increase the security of
publicly owned treatment works under title 33 United
States Code section 1383[þ]; and
(12) Enable the department to coordinate with each county
agency responsible for wastewater to establish a low
interest loan program to upgrade or convert cesspools
for lessees on Hawaiian home lands to septic systems
or aerobic treatment unit systems, or to connect
cesspools to existing sewer systems or any other
wastewater treatment systems approved by the
department. "

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.
SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:__________________________

BY REQUEST
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.
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.
A BILL FOR AN ACT

RELATING TO COUNTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

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

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

"§46- Infrastructure maintenance; housing development
for the department of Hawaiian home lands. (a) Notwithstanding
any other provision to the contrary, infrastructure for any
housing development for the department of Hawaiian home lands
shall be maintained by the county in which the housing
development is located commencing sixty days after the receipt
by the appropriate county council of a completed application for
maintenance request; provided that:

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

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

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

(b) For the purposes of this section:

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: ________________________________

BY REQUEST
Report Title:
Counties; Department of Hawaiian Home Lands; Infrastructure

Description:
Requires counties within sixty 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.
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: Add a new section to part I of 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.
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS.

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

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

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

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

HHL-08(22)
SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY: ____________________________

BY REQUEST
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.

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

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

PURPOSE: Allow 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(b), 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.

FPBS PROGRAM DESIGNATION: HHL 625.
OTHER AFFECTED AGENCIES: Department of Land and Natural Resources.

EFFECTIVE DATE: Upon approval.
A BILL FOR AN ACT

RELATING TO GAMBLING.

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

SECTION 1. The legislature finds that gambling is now legal in 48 out of 50 states. For the people of Hawaii, gambling is as popular as it is in the rest of the country, but it remains illegal within its borders. With no local venues or tax for gambling, Hawaii is a target market for a growing number of jurisdictions where gambling is legal. Hawaii generates hundreds of millions of dollars, perhaps billions, in economic activity for other jurisdictions and in return, receives no benefit. Hawaii residents take a total of about 500,000 total trips to Las Vegas, and other gambling destinations each year with many taking multiple trips per year. In 2011, it was reported that Boyd Gaming, a Nevada-based gaming corporation, earns about $600 million from Hawaii annually. In 2021, the CEO of Boyd Gaming disclosed on an investor call that the company relies heavily on gamblers coming from Hawaii. Gaming revenues for Boyd Gaming from downtown Las Vegas, where locals often visit, declined 63 percent to $257.7 million as a result of COVID travel restrictions. A longtime lobbyist for gambling

HHL-09(22)
interests in Hawaii testified to the Committee on Tourism in 2012 that the "prohibition of that which is legal nearly everywhere else costs Hawaii $1 billion each year in outgoing dollars and returns none."

Even with prohibition, Hawaii also carries an economic burden from gambling. A 2009 study by the National Council on Problem Gambling estimated that the social costs of gambling addiction in Hawaii from twenty thousand problem gamblers and ten thousand pathological gamblers was $26.3 million; however, no public funding was provided for gambling treatment and prevention. Although the Honolulu Police Department only reported fifty-one arrests in 2020 and thirty-four arrests in 2019 for gambling offense, there are believed to be approximately seventy to one hundred illegal gambling rooms in Oahu alone.

Legislation introduced last year proposed to authorize limited casino gaming in the form of a single integrated resort property on Hawaiian home lands designated for commercial use on the island of Oahu excluding lands west of Ko Olina in order to address historic funding shortfalls to the department of Hawaiian home lands. With over twenty-eight thousand native Hawaiians awaiting homestead leases, the department of Hawaiian
home lands struggles to develop land and lots. Current costs
for infrastructure development, borne by the department, are in
excess of $150,000 per lot. In order to fulfill the needs of
the current waitlist, the department requires over $6 billion
for infrastructure costs alone to serve its beneficiaries. This
significant sum is separate and apart from costs for maintenance
of existing lessee communities housing nearly ten thousand
beneficiaries, upkeep of several utility systems, and other
costs. Over the last decade, the legislature has funded the
department at levels higher than in years past, which has
provided increased opportunity for the department of Hawaiian
home lands to increase its reach. However, by conservative
estimates, it will take the department at least another hundred
years to meet the needs of its beneficiaries at current funding
levels.

In response to this legislation, the Hawaii state
commission on the status of women released a gender impact
statement titled "Gambling With Women's Safety: A Feminist
Assessment of Proposed Resort-Casino" essentially concluding
that gambling is a public health issue that is tied to
significant community harm and linked to sex trafficking and
other gender-based violence.
The purpose of this Act is to require the department of Hawaiian home lands to study the feasibility and revenue to be generated by limited casino gaming, address the public health concerns, and determine ideal factors for the siting of an integrated resort property that would minimize the social impact or even provide a mechanism for host communities to bid for such a resort.

SECTION 2. The department of Hawaiian home lands shall conduct a study on the feasibility and revenue to be generated by limited gaming, address the public health concerns, and determine ideal factors for the siting of an integrated resort property that would minimize the social impact or even provide a mechanism for host communities to bid for such a resort.

The department shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023.

SECTION 3. There is appropriated out of the general revenues the sum of $500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purpose of funding this study.
The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.

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

INTRODUCED BY:______________________________

BY REQUEST
Report Title:
Gambling; Study; Appropriation

Description:
Appropriates funding for the Department of Hawaiian Home Lands to study the feasibility and revenue to be generated by limited casino gaming, address the public health concerns, and determine ideal factors for the siting of an integrated resort property that would minimize the social impact or even provide a mechanism for host communities to bid for such a resort.

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

TITLE: A BILL FOR AN ACT RELATING TO GAMBLING.

PURPOSE: Appropriates funding for the Department of Hawaiian Home Lands to study the feasibility and revenue to be generated by limited casino gaming, address the public health concerns, and determine ideal factors for the siting of an integrated resort property that would minimize the social impact or even provide a mechanism for host communities to bid for such a resort.

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.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.
A BILL FOR AN ACT

RELATING TO INTERIM RULES.

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

SECTION 1. Chapter 91, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§91- Interim rules; department of Hawaiian home lands.

Notwithstanding any other law to the contrary, the department of Hawaiian home lands may issue interim rules after beneficiary consultation as provided for in administrative rules and upon approval by the Hawaiian homes commission. The interim rules shall be effective for not more than eighteen months and shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91."

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: ________________________________

BY REQUEST
Report Title:
Interim rules; Department of Hawaiian Home Lands

Description:
Allows the Department of Hawaiian Home Lands after beneficiary consultation and upon approval by the Hawaiian Homes Commission to issue interim rules that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes, as long as the interim rules shall be effective for not more than eighteen months.

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 INTERIM RULES.

PURPOSE: Allows the Department of Hawaiian Home Lands after beneficiary consultation and upon approval by the Hawaiian Homes Commission to issue interim rules which shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes (HRS), as long as the interim rules shall be effective for not more than eighteen months.

MEANS: Add a new section to chapter 91, HRS.

JUSTIFICATION: The Department of Hawaiian Home Lands is currently authorized to adopt rules in accordance with chapter 91, HRS, which can be a lengthy and time-consuming process when the Department conducts beneficiary consultation prior to initiating the rule making process. This amendment will enable the Department to move quickly in issuing interim rules after beneficiary consultation and upon approval by the Hawaiian Homes Commission on important programs and services. The eighteen-month limitation on the life of the interim rules will further ensure that the Department has adequate time to adopt permanent rules through formal rulemaking procedures.

Impact on the public: This proposal advances the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the Department to issue interim rules on important programs and services that can be implemented soon after beneficiary consultation and upon approval by the Hawaiian Homes Commission.
Impact on the department and other agencies:
Interim rules will allow the Department to better serve its beneficiaries.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.
A BILL FOR AN ACT

RELATING TO COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS.

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

SECTION 1. The legislature finds that illegal activity occurring on Hawaiian home lands threatens the health and safety of the community. The purpose of this Act is to establish a compliance and enforcement program within the department of Hawaiian home lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and the rules adopted thereunder.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS

§ 1-1 Compliance and enforcement program on Hawaiian home lands; established. The department of Hawaiian home lands shall establish a compliance and enforcement program on Hawaiian home lands to enforce the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder, and shall employ or

HHL-011(22)
appoint, and remove, the following persons, subject to chapter
76 and section 78-1, who shall be provided with suitable badges
or insignia of office by the department of Hawaiian home lands:

(1) An enforcement chief of the department of Hawaiian
home lands, who shall be the head of the compliance
and enforcement program and shall have charge,
direction, and control, subject to the direction and
control of the chairman, of all matters relating to
the enforcement of the Hawaiian Homes Commission Act,
1920, as amended and rules adopted thereunder and such
other matters as the chairman may from time to time
direct. The enforcement chief shall be an
administrator experienced in law enforcement and
management; and

(2) Personnel and enforcement officers of the conservation
and resources enforcement program, including but not
limited to enforcement officers on a voluntary basis
and without pay.

$2 Compliance and enforcement program on Hawaiian
home lands special fund; established. (a) There is hereby
established in the state treasury a special fund known as the
compliance and enforcement program on Hawaiian home lands
special fund, which shall be administered by the department of Hawaiian home lands.

(b) The following shall be deposited into the compliance and enforcement program on Hawaiian home lands special fund:

(1) Grants, awards, donations, gifts, transfers or moneys derived from public or private sources for the purposes of enforcing the provisions of the Hawaiian Homes Commission Act, 1920, as amended or any rule adopted thereunder;

(2) Fees, reimbursements, administrative charges, and penalties collected for activities related to the enforcement of the Hawaiian Homes Commission Act, 1920, as amended and rules, except as otherwise provided by law that provides for deposits into other special funds administered by the department of Hawaiian home lands;

(3) Moneys derived from interest, dividends, or other income from the above-mentioned sources; and

(4) Appropriations by the legislature to the special fund.

(c) The compliance and enforcement program on Hawaiian home lands special fund shall be used for expenditures, including but not limited to:
(1) Training;
(2) Research;
(3) Equipment;
(4) Preparation and dissemination of information to the public;
(5) Data collection and development;
(6) Information technology;
(7) Safety;
(8) Wireless communication;
(9) Management;
(10) Travel;
(11) Equipment rental;
(12) Maintenance and repairs;
(13) Planning;
(14) Information;
(15) Education;
(16) Operations;
(17) Maintenance functions authorized and deemed necessary by the department of Hawaiian home lands;
(18) Funding for consultants or contractual hires related to the enforcement of:
(A) The Hawaiian Homes Commission Act, 1920, as amended;

(B) Any rule adopted thereunder; and

(19) Work performed in cooperation with enforcement authorities of the State, the counties, and the federal government.

(d) The fund shall be held separate and apart from all other moneys, funds, and accounts in the department of Hawaiian home lands, except that any monies received from the federal government or from private contributions shall be deposited and accounted for in accordance with conditions established by the department of Hawaiian home lands or persons from whom the moneys are received. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the next fiscal year.

§ -3 Compliance and enforcement program on Hawaiian home lands enforcement officers; other law enforcement officers.

(a) The compliance and enforcement program on Hawaiian home lands enforcement officers, with respect to all Hawaiian home lands shall:

(1) Enforce the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder;
(2) Investigate complaints, gather evidence, conduct investigations, and conduct field observations and inspections as required or assigned;

(3) Cooperate with enforcement authorities of the State, counties, and federal government in development of programs and mutual aid agreements for compliance enforcement activities within the State;

(4) Check and verify all homestead leases, general leases, permits, and licenses and all other land dispositions issued by the department of Hawaiian home lands;

(5) Enforce the laws relating to firearms, ammunition, and dangerous weapons contained in chapter 134; and

(6) Carry out other duties and responsibilities as the department of Hawaiian home lands from time to time may direct.

(b) Every state and county officer charged with the enforcement of laws and ordinances shall enforce and assist in the enforcement of the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder.

§ 4 Department of Hawaiian home lands; police powers.

(a) The department of Hawaiian home lands shall have police powers and may appoint and commission enforcement officers
within the compliance and enforcement program on Hawaiian home
lands. Persons appointed and commissioned under this section
shall have and may exercise all of the powers and authority of a
police officer, including the power of arrest, and in addition
to enforcing the Hawaiian Homes Commission Act, 1920, as amended
and rules adopted thereunder, may enforce all other state laws
and rules, and county ordinances within Hawaiian home lands;
provided that such powers shall remain in force and effect only
while in actual performance of their duties, which shall include
off-duty employment when such employment is for other state
departments or agencies. These enforcement officers shall
consist of personnel whose primary duty will be the enforcement
of the Hawaiian Homes Commission Act, 1920, as amended and the
rules adopted thereunder within the areas under the jurisdiction
of the department of Hawaiian home lands.

(b) An enforcement officer, upon arresting any person for
violation of the Hawaiian Homes Commission Act, 1920, as amended
or any rule thereunder, may immediately take the person arrested
to a police station or before a district judge, or take the name
and address and note the violation of the law or rule by the
person, and issue the person a summons or citation, printed in
the form described in section -5, warning the person to appear
and to answer the charge against the person at a certain place
and time within seven days after the arrest.

§ 5 Summons or citation. There shall be a form of
summons or citation for use in citing violators of the Hawaiian
Homes Commission Act, 1920, as amended and rules adopted
thereunder, which do not mandate the physical arrest of the
violators. The summons or citation shall be printed in a form
commensurate with form or other summons or citation used in
modern methods of arrest and shall be so designed to include all
necessary information to make it valid and legal within the laws
and rules of the State. The form and content of the summons or
citation shall be adopted or prescribed by the district courts.

In every case where a summons or citation is issued, the
original of the same shall be given to the violator; provided
that the district courts may prescribe the issuance to the
violator of a carbon copy of the summons or citation and provide
for the disposition of the original and any other copies. Every
summons or citation shall be consecutively numbered and each
carbon copy shall bear the number of its respective original.

§ 6 Search. Any police officer or agent of the
department of Hawaiian home lands that has been conferred powers
of police officers, shall have the authority to conduct searches on probable cause as provided by law.

§ 7 Alternative dispute resolution. Any violation of the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder may allow for alternative dispute resolution such as mediation, arbitration, or a culturally appropriate mechanism for dispute resolution to be deployed."

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

INTRODUCED BY:________________________

BY REQUEST
Report Title:
Compliance and Enforcement; Hawaiian Home Lands

Description:
Establishes a compliance and enforcement program within the department of Hawaiian home lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COMPLIANCE AND ENFORCEMENT PROGRAM.

PURPOSE: Establishes a compliance and enforcement program within the Department of Hawaiian Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder.

MEANS: Adds a new chapter to the Hawaii Revised Statutes.

JUSTIFICATION: Criminal activity that is threatening the health and safety of the community must be addressed.

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

Impact on the department and other agencies: Additional resources will be needed to implement this program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.
A BILL FOR AN ACT

RELATING TO ADOPTION

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

SECTION 1. The legislature 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. The purpose of this Act is to allow 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. This Act does not affect the other requirements under the Hawaiian Homes Commission Act, 1920, as amended or administrative rules beyond relationship between individuals.

SECTION 2. Section 578-16, Hawaii Revised Statutes, is amended to read as follows:

"§578-16 Effect of adoption. (a) A legally adopted individual shall be considered to be a natural child of the
whole blood of the adopting parent or parents as provided in the
Uniform Probate Code, relating to the descent of property.
(b) The former legal parent or parents of an adopted
individual and any other former legal kindred shall not be
considered to be related to the individual as provided in the
Uniform Probate Code except as provided in this section.
(c) An adopted individual and the individual's adopting
parent or parents shall sustain towards each other the legal
relationship of parents and child and shall have all the rights
and be subject to all the duties of that relationship, including
the rights of inheritance from and through each other and the
legal kindred of the adoptive parent or parents, the same as if
the individual were the natural child of the adopting parent or
parents.
(d) Except as provided in subsection (e), all legal duties
and rights between the individual and the individual’s former
legal parent or parents shall cease from the time of the
adoption; provided that if the individual is adopted by a person
married to a legal parent of the individual, the full reciprocal
rights and duties which theretofore existed between the legal
parent and the individual, and the rights of inheritance as
between the individual and the legal parent and the legal
relatives of the parent, as provided in chapter 560, shall
continue, notwithstanding the adoption, subject only to the
rights acquired by and the duties imposed upon the adoptive
parents by reason of the adoption.

(e) Notwithstanding subsections (b) and (d), if an
individual is adopted before that individual attains the age of
majority and:

(1) The individual is adopted by a spouse of a natural
parent of the individual; or

(2) The individual is adopted by a natural grandparent,
aunt, uncle, or sibling of the individual or the spouse of a
natural grandparent, aunt, uncle, or sibling;
then for the purposes of interpretation or construction of a
disposition in any will, trust, or other lifetime instrument,
whether executed before or after the order of adoption, and for
purposes of determining heirs at law, the rights of the adopted
individual and the individual's descendants with respect to the
individual's natural family shall not be affected by the
adoption, and they shall be included in any determination of
heirs or members of any class, unless specifically excluded by
name or class.
(f) An adopted individual, who by reason of subsection (e) would be a member of two or more designation or classes pursuant to a single instrument, both by relationship through a natural parent and through an adoptive parent, shall be entitled to benefit by membership in only one of these designations or classes, which shall be the larger share.

(g) Notwithstanding any other provision of law in this section, the effect of adoption for the purposes of interpretation or construction of a disposition or other designation provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended or administrative rules and for the purposes of determining heirs at law, shall allow any adopted individual to benefit both by relationship through a natural parent and through an adoptive parent while also allowing for the adopted individual and member of the individual's natural family to continue to have the same familial relationship.

(h) For purposes of this section, if a person has been adopted more than once, the term "natural parent" includes an adopting parent by an earlier adoption.

(i) An individual legally adopted under the laws of any state or territory of the United States or under the laws of any
nation shall be accorded the same rights and benefits in all
respects as an individual adopted under this chapter."
SECTION 3. New statutory material is underscored.
SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:__________________________

BY REQUEST
Report Title:
Adoption

Description:
Allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended or administrative rules while also allowing the adopted individual and individual’s natural family to continue to have the same familial relationship.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO ADOPTION.

PURPOSE: Allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended or administrative rules while also allowing the adopted individual and individual's natural family to continue to have the same familial relationship.

MEANS: Amend section 578-16, Hawaii Revised Statutes.

JUSTIFICATION: The effect of adoption could impact the ability for an adoptive individual to succeed to a homestead lease or to the applicant's application rights on the waiting list. This proposal allows an adopted individual to benefit both by relationship through a natural parent and an adoptive parent while also allowing for the adopted individual and member of the individual's natural family to continue to have the same familial relationship.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent.

Impact on the department and other agencies: This proposal could minimize any amendments that could have a detrimental impact to the general public while addressing the nuances specific to the Department.

GENERAL FUND: None.
OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.