

JAN 16 2014

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION.

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

PART I

1
2 SECTION 1. The purpose of this Act is to establish a
3 candidate advisory council for the Hawaiian homes commission to
4 present nominees to the governor for the appointment of
5 individuals to serve on the Hawaiian homes commission. This Act
6 also:

- 7 (1) Requires all members of the Hawaiian homes commission
8 to be of Hawaiian ancestry to serve on the commission;
- 9 (2) Requires the ninth member of the commission to be an
10 at-large member;
- 11 (3) Requires the members of the commission, rather than
12 the governor, to select a chairperson from among the
13 members thereof at the end of each fiscal year; and
- 14 (4) Changes the term of the chairperson from commencing on
15 January 1 and expiring on December 31 to a one-year
16 term commencing on July 1 and expiring on June 30.

PART II



1 SECTION 2. The Hawaiian Homes Commission Act, 1920, as
2 amended, is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 **"§ . Candidate advisory council for the Hawaiian homes**
5 **commission.** (a) The candidate advisory council for the
6 Hawaiian homes commission shall recruit, evaluate, and present
7 to the governor qualified candidates for nomination to a vacant
8 seat on the commission. The candidate advisory council shall be
9 attached to the department of Hawaiian home lands for
10 administrative purposes.

- 11 (b) The candidate advisory council shall:
- 12 (1) Develop and implement a fair and independent procedure
13 for evaluating candidates to serve on the commission;
 - 14 (2) Require candidates and members of their immediate
15 families to disclose any existing or anticipated
16 contracts or financial transactions with the
17 department of Hawaiian home lands;
 - 18 (3) Actively solicit and accept applications from
19 potential candidates;
 - 20 (4) Evaluate candidates for the commission on their
21 background, experience, and potential for discharging
22 the responsibilities of a member of the commission



1 based upon the qualifications imposed by the Hawaiian
2 Homes Commission Act, 1920, as amended; and

3 (5) Present a list of three candidates who have received a
4 majority vote by the candidate advisory council to the
5 governor for nomination and appointment for each
6 vacant seat on the commission.

7 (c) The candidate advisory council shall initiate the
8 recruitment and evaluation of candidates for each vacancy on the
9 commission within:

10 (1) Sixty days of a vacancy; or

11 (2) At least one hundred twenty days prior to the
12 expiration of a commissioner's term.

13 To provide continuity for the commission, the governor may
14 recommend to the candidate advisory council the reappointment of
15 a member of the commission, subject to the advice and consent of
16 the senate.

17 (d) The candidate advisory council shall consist of seven
18 voting members to be appointed without regard to section 26-34,
19 Hawaii Revised Statutes, as follows:

20 (1) Two members shall be appointed by the president of the
21 senate;



1 (2) Two members shall be appointed by the speaker of the
2 house of representatives;

3 (3) Two members shall be appointed by the Sovereign
4 Councils of the Hawaiian Homeland Assembly; and

5 (4) One member shall be appointed by the commission.

6 Appointees to the candidate advisory council shall have a
7 general understanding of the purposes and administration of the
8 Hawaiian Homes Commission Act, 1920, as amended; the mission and
9 strategic goals of the department of Hawaiian home lands; and
10 the roles and responsibilities of the commission.

11 (e) Members of the candidate advisory council shall serve
12 a term of four years. Members shall serve without compensation
13 but shall be reimbursed for expenses, including travel expenses,
14 necessary for the performance of their duties. The chairperson
15 of the candidate advisory council shall be elected by a majority
16 of the members of the candidate advisory council.

17 (f) The candidate advisory council shall operate in a
18 wholly nonpartisan manner. No member of the candidate advisory
19 council shall run for or hold elected office of the State or any
20 of its political subdivisions while serving on the candidate
21 advisory council. A member of the candidate advisory council
22 shall resign from the candidate advisory council prior to filing



1 nomination papers for an elected office of the State or any of
2 its political subdivisions.

3 (g) A majority of the members of the candidate advisory
4 council shall constitute a quorum to conduct business. The
5 concurrence of a majority of the members of the candidate
6 advisory council shall be necessary to make any action of the
7 candidate advisory council valid. The candidate advisory
8 council shall meet annually and at other times as necessary.
9 The candidate advisory council shall be exempt from part I of
10 chapter 92, Hawaii Revised Statutes.

11 (h) A vacancy occurring in the membership of the candidate
12 advisory council during a term shall be filled for the remainder
13 of the unexpired term thereof by the appointing authority who
14 appointed the member who creates the vacancy. Any member of the
15 candidate advisory council whose term has expired may continue
16 in office as a holdover member until a successor is appointed;
17 provided that a holdover member shall not hold office for more
18 than six months following the expiration of the member's term of
19 office."

20 SECTION 3. Section 202, Hawaiian Homes Commission Act,
21 1920, as amended, is amended to read as follows:



1 "**§202. Department officers, staff, commission, members,**
2 **compensation.** (a) There shall be a department of Hawaiian home
3 lands which shall be headed by an executive board to be known as
4 the Hawaiian homes commission. The members of the commission
5 shall be nominated and appointed in accordance with section
6 ~~[26-34, Hawaii Revised Statutes.]~~ _____ of this Act and subject
7 to the advice and consent of the senate. The commission shall
8 be composed of nine members, as follows: [~~three~~]

9 (1) Three shall be residents of the city and county of
10 Honolulu; [~~two~~]

11 (2) Two shall be residents of the county of Hawaii, one of
12 whom shall be a resident of east Hawaii and the other
13 a resident of west Hawaii; [~~two~~]

14 (3) Two shall be residents of the county of Maui, one of
15 whom shall be a resident from the island of Molokai;
16 [~~one~~]

17 (4) One shall be a resident of the county of Kauai; and
18 [~~the~~]

19 (5) The ninth member shall be [~~the chairman of the~~
20 ~~Hawaiian homes commission.]~~ an at-large member.

21 All members shall have been residents of the State at least
22 three years prior to their appointment and [~~at least four of the~~



1 ~~members shall]~~ be descendants of [~~not less than one fourth part~~
2 ~~of the blood of]~~ the races inhabiting the Hawaiian Islands
3 previous to 1778. The members of the commission shall serve
4 without pay, but shall receive actual expenses incurred by them
5 in the discharge of their duties as such members. [~~The governor~~
6 ~~shall appoint the chairman of the commission from among the~~
7 ~~members thereof.] The chairperson of the commission shall be
8 elected by a majority of the members of the commission every
9 year for a one-year term to commence on July 1 and expire on
10 June 30.~~

11 The commission may delegate to the [~~chairman]~~ chairperson
12 such duties, powers, and authority or so much thereof, as may be
13 lawful or proper for the performance of the functions vested in
14 the commission. The [~~chairman]~~ chairperson of the commission
15 shall serve in a full-time capacity. [~~He]~~ The chairperson
16 shall, in such capacity, perform such duties, and exercise such
17 powers and authority, or so much thereof, as may be delegated to
18 [~~him]~~ the chairperson by the commission as herein provided
19 above.

20 (b) The provisions of section 76-16, Hawaii Revised
21 Statutes, shall apply to the positions of first deputy and
22 private secretary to the [~~chairman]~~ chairperson of the



1 commission. The department may hire temporary staff on a
2 contractual basis not subject to chapters 76 and 78, Hawaii
3 Revised Statutes, when the services to be performed will assist
4 in carrying out the purposes of the Act. These positions may be
5 funded through appropriations for capital improvement program
6 projects and by the administration account, operating fund, or
7 native Hawaiian rehabilitation fund. No contract shall be for a
8 period longer than two years, but individuals hired under
9 contract may be employed for a maximum of six years; provided
10 that the six-year limitation shall not apply if the department,
11 with the approval of the governor, determines that such contract
12 individuals are needed to provide critical services for the
13 efficient functioning of the department. All other positions in
14 the department shall be subject to chapter 76, Hawaii Revised
15 Statutes.

16 All vacant and new civil service positions covered by
17 chapter 76, Hawaii Revised Statutes, shall be filled in
18 accordance with section 76-22.5, Hawaii Revised Statutes;
19 provided that the provisions of these sections shall be
20 applicable first to qualified persons of Hawaiian extraction."

21 **PART III**



1 SECTION 4. Section 26-17, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§26-17 Department of Hawaiian home lands.** The department
4 of Hawaiian home lands shall be headed by an executive board to
5 be known as the Hawaiian homes commission.

6 The commission shall be composed of nine members. The
7 nomination, appointment, [tenure, and removal of the members]
8 and the filling of vacancies on the commission shall be in
9 accordance with [~~section 26-34 and section~~] sections 202(a) and
10 _____ of the Hawaiian Homes Commission Act of 1920, as amended.
11 [~~The governor shall appoint the chairperson of the commission~~
12 ~~from among the members thereof.~~] Appointments to the commission
13 shall be subject to the advice and consent of the senate. The
14 tenure and removal of the members shall be in accordance with
15 section 26-34. The chairperson of the commission shall be
16 elected by a majority of the members of the commission every
17 year for a one-year term to commence on July 1 and expire on
18 June 30.

19 The commission may delegate to the chairperson such duties,
20 powers, and authority, or so much thereof as may be lawful or
21 proper, for the performance of the functions vested in the
22 commission.



1 The chairperson of the [~~board~~] commission shall serve in a
2 full-time capacity and shall perform such duties, and exercise
3 such powers and authority, or so much thereof as may be
4 delegated to the chairperson by the [~~board~~] commission.

5 The department shall administer the Hawaiian Homes
6 Commission Act of 1920, as amended, as set forth in the
7 Constitution of the State and by law.

8 The functions and authority heretofore exercised by the
9 Hawaiian homes commission as heretofore constituted are
10 transferred to the department of Hawaiian home lands established
11 by this chapter."

12 SECTION 5. Section 26-34, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) The members of each board and commission established
15 by law shall be nominated and, by and with the advice and
16 consent of the senate, appointed by the governor. Unless
17 otherwise provided by this chapter or by law hereafter enacted,
18 the terms of the members shall be for four years; provided that
19 the governor may reduce the terms of those initially appointed
20 so as to provide, as nearly as can be, for the expiration of an
21 equal number of terms at intervals of one year for each board
22 and commission. Unless otherwise provided by law, each term



1 shall commence on July 1 and expire on June 30, except that the
2 terms of the chairpersons of the board of agriculture[7] and the
3 board of land and natural resources [~~7~~ ~~and the Hawaiian homes~~
4 ~~commission~~] shall commence on January 1 and expire on
5 December 31. No person shall be appointed consecutively to more
6 than two terms as a member of the same board or commission;
7 provided that membership on any board or commission shall not
8 exceed eight consecutive years."

9 **PART IV**

10 SECTION 6. The provisions of the amendments made by Part
11 II of this Act to the Hawaiian Homes Commission Act, 1920, as
12 amended, are declared to be severable, and if any section,
13 sentence, clause, or phrase, or the application thereof to any
14 person or circumstances is held ineffective because there is a
15 requirement of having the consent of the United States to take
16 effect, then that portion only shall take effect upon the
17 granting of consent by the United States and effectiveness of
18 the remainder of these amendments or the application thereof
19 shall not be affected.

20 SECTION 7. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22



1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY: Chris Lee



S.B. NO. 2254

Report Title:

Hawaiian Homes Commission; Nomination, Members; Chairperson

Description:

Establishes a candidate advisory council for the Hawaiian homes commission to present nominees to the governor for the appointment of individuals to serve on the Hawaiian homes commission. Requires all members of the Hawaiian homes commission to be of Hawaiian ancestry. Establishes that the ninth member of the Hawaiian homes commission be an at-large member. Requires the members rather than the governor to select a chairperson among the members thereof at the end of each fiscal year. Changes the term of the chairperson from commencing on January 1 and expiring on December 31 to a one-year term commencing on July 1 and expiring on June 30.

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

