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# A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION.

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

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**PART I**

SECTION 1. The purpose of this Act is to establish 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. This Act also:

- (1) Requires all members of the Hawaiian homes commission to be of Hawaiian ancestry;
- (2) Requires the ninth member of the commission to be an at-large member, rather than the chairperson of the commission;
- (3) Requires the members of the commission, rather than the governor, to select a chairperson from among the members thereof at the end of each fiscal year; and
- (4) 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.

**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 nine  
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) One member shall be appointed by the Sovereign  
4       Councils of the Hawaiian Homelands Assembly;

5       (4) One member shall be appointed by Auamo I Na Alaka'i;

6       (5) One member shall be appointed by the Association of  
7       Hawaiian Civic Clubs; and

8       (6) Two members shall be appointed by the commission.

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

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

21      (f) The candidate advisory council shall operate in a  
22      wholly nonpartisan manner. No member of the candidate advisory



1 council shall run for or hold elective office of the State or  
2 any of its political subdivisions while serving on the candidate  
3 advisory council. A member of the candidate advisory council  
4 shall resign from the candidate advisory council prior to filing  
5 nomination papers for an elective office of the State or any of  
6 its political subdivisions.

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

15 (h) A vacancy occurring in the membership of the candidate  
16 advisory council during a term shall be filled for the remainder  
17 of the unexpired term thereof by the appointing authority who  
18 appointed the member who creates the vacancy. Any member of the  
19 candidate advisory council whose term has expired may continue  
20 in office as a holdover member until a successor is appointed;  
21 provided that a holdover member shall not hold office for more



1 than six months following the expiration of the member's term of  
2 office."

3 SECTION 3. Section 202, Hawaiian Homes Commission Act,  
4 1920, as amended, is amended to read as follows:

5 "**§202. Department officers, staff, commission, members,**  
6 **compensation.** (a) There shall be a department of Hawaiian home  
7 lands which shall be headed by an executive board to be known as  
8 the Hawaiian homes commission. The members of the commission  
9 shall be nominated and appointed in accordance with section  
10 [~~26-34, Hawaii Revised Statutes.~~] \_\_\_\_\_ of this Act and subject  
11 to the advice and consent of the senate. The commission shall  
12 be composed of nine members, as follows: [~~three~~]

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

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

18 (3) Two shall be residents of the county of Maui, one of  
19 whom shall be a resident from the island of Molokai;  
20 [~~one~~]

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



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

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

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



1 [~~him~~] the chairperson by the commission as herein provided  
2 above.

3 (b) The provisions of section 76-16, Hawaii Revised  
4 Statutes, shall apply to the positions of first deputy and  
5 private secretary to the [~~chairman~~] chairperson of the  
6 commission. The department may hire temporary staff on a  
7 contractual basis not subject to chapters 76 and 78, Hawaii  
8 Revised Statutes, when the services to be performed will assist  
9 in carrying out the purposes of the Act. These positions may be  
10 funded through appropriations for capital improvement program  
11 projects and by the administration account, operating fund, or  
12 native Hawaiian rehabilitation fund. No contract shall be for a  
13 period longer than two years, but individuals hired under  
14 contract may be employed for a maximum of six years; provided  
15 that the six-year limitation shall not apply if the department,  
16 with the approval of the governor, determines that such contract  
17 individuals are needed to provide critical services for the  
18 efficient functioning of the department. All other positions in  
19 the department shall be subject to chapter 76, Hawaii Revised  
20 Statutes.

21 All vacant and new civil service positions covered by  
22 chapter 76, Hawaii Revised Statutes, shall be filled in





1 accordance with section 76-22.5, Hawaii Revised Statutes;  
2 provided that the provisions of these sections shall be  
3 applicable first to qualified persons of Hawaiian extraction."

4 **PART III**

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

7 **"§26-17 Department of Hawaiian home lands.** The department  
8 of Hawaiian home lands shall be headed by an executive board to  
9 be known as the Hawaiian homes commission.

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



1           The commission may delegate to the chairperson such duties,  
2 powers, and authority, or so much thereof as may be lawful or  
3 proper, for the performance of the functions vested in the  
4 commission.

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

9           The department shall administer the Hawaiian Homes  
10 Commission Act of 1920, as amended, as set forth in the  
11 Constitution of the State and by law.

12           The functions and authority heretofore exercised by the  
13 Hawaiian homes commission as heretofore constituted are  
14 transferred to the department of Hawaiian home lands established  
15 by this chapter."

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

18           "(a) The members of each board and commission established  
19 by law shall be nominated and, by and with the advice and  
20 consent of the senate, appointed by the governor. Unless  
21 otherwise provided by this chapter or by law hereafter enacted,  
22 the terms of the members shall be for four years; provided that



1 the governor may reduce the terms of those initially appointed  
2 so as to provide, as nearly as can be, for the expiration of an  
3 equal number of terms at intervals of one year for each board  
4 and commission. Unless otherwise provided by law, each term  
5 shall commence on July 1 and expire on June 30, except that the  
6 terms of the chairpersons of the board of agriculture[~~7~~] and the  
7 board of land and natural resources[~~7~~, ~~and the Hawaiian homes~~  
8 ~~commission~~] shall commence on January 1 and expire on  
9 December 31. No person shall be appointed consecutively to more  
10 than two terms as a member of the same board or commission;  
11 provided that membership on any board or commission shall not  
12 exceed eight consecutive years."

13 **PART IV**

14 SECTION 6. The provisions of the amendments made by part  
15 II of this Act to the Hawaiian Homes Commission Act, 1920, as  
16 amended, are declared to be severable, and if any section,  
17 sentence, clause, or phrase, or the application thereof to any  
18 person or circumstances is held ineffective because there is a  
19 requirement of having the consent of the United States to take  
20 effect, then that portion only shall take effect upon the  
21 granting of consent by the United States and effectiveness of



1 the remainder of these amendments or the application thereof  
2 shall not be affected.

3 SECTION 7. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on July 1, 2050.

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**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 the ninth member of the Hawaiian homes commission as an at-large member. Requires the members rather than the governor to select a chairperson from 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. Takes effect 7/1/2050. (SD1)

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

