
A BILL FOR AN ACT

RELATING TO HAWAIIAN HOME LANDS.

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

1 SECTION 1. Section 202, Hawaiian Homes Commission Act,
2 1920, as amended, is amended to read as follows:
3 "**§202. Department officers, staff, commission, members,**
4 **compensation.** (a) There shall be a department of Hawaiian home
5 lands which shall be headed by an executive board to be known as
6 the Hawaiian homes commission. The members of the commission
7 shall be nominated and appointed in accordance with section
8 26-34, Hawaii Revised Statutes. The commission shall be
9 composed of nine members, as follows: three shall be residents
10 of the city and county of Honolulu; two shall be residents of
11 the county of Hawaii one of whom shall be a resident of east
12 Hawaii and the other a resident of west Hawaii; two shall be
13 residents of the county of Maui one of whom shall be a resident
14 from the island of Molokai; one shall be a resident of the
15 county of Kauai; and the ninth member shall be [~~the chairman~~] an
16 at-large member of the Hawaiian homes commission. All members
17 shall have been residents of the State at least three years



1 ~~[prior to]~~ before their appointment ~~[and at]~~. At least ~~[four]~~
2 five of the members shall be ~~[descendants of not less than one-~~
3 ~~fourth part of the blood of the races inhabiting the]~~ native
4 Hawaiian ~~[Islands previous to 1778.]~~ and either existing or
5 prospective lessees of Hawaiian homestead lands; provided that
6 at least two of these five members shall be on the department of
7 Hawaiian home lands waitlist for a homestead land award for
8 housing, farming, or ranching; provided further that if any
9 commission member who became a member based on the member's
10 status as a lessee or presence on the waitlist subsequently
11 ceases to be a lessee or is removed from the waitlist during the
12 member's term, the member may continue to serve on the
13 commission until that member's term expires. The members of the
14 commission shall serve without pay, but shall receive actual
15 expenses incurred by them in the discharge of their duties as
16 ~~[such]~~ commission members. The ~~[governor]~~ commission members
17 shall ~~[appoint the chairman]~~ elect a chairperson and vice
18 chairperson of the commission from among the commission members
19 ~~[thereof]~~ .
20 ~~[The commission may delegate to the chairman such]~~ The
21 governor shall nominate and, with the advice and consent of the



1 senate, appoint a director of Hawaiian home lands who is not a
2 member of the commission. The director of Hawaiian home lands
3 shall exercise the duties, powers, and authority or so much
4 thereof, delegated to the director by the commission, and as may
5 be lawful or proper for the [performance of the functions vested
6 in the commission.] administration of the department. The
7 [chairman of the commission] director of Hawaiian home lands
8 shall serve in a full-time capacity. [He shall, in such
9 capacity, perform such duties, and exercise such powers and
10 authority, or so much thereof, as may be delegated to him by the
11 commission as herein provided above.]

12 (b) The provisions of section 76-16, Hawaii Revised
13 Statutes, shall apply to the positions of [first] deputy
14 director and private secretary to the [chairman of the
15 commission.] director. The department may hire temporary staff
16 on a contractual basis not subject to chapters 76 and 78, Hawaii
17 Revised Statutes, when the services to be performed will assist
18 in carrying out the purposes of the Act. These positions may be
19 funded through appropriations for capital improvement program
20 projects and by the administration account, operating fund, or
21 native Hawaiian rehabilitation fund. No contract shall be for a



1 period longer than two years, but individuals hired under
2 contract may be employed for a maximum of six years; provided
3 that the six-year limitation shall not apply if the department,
4 with the approval of the governor, determines that [~~such~~] these
5 contract individuals are needed to provide critical services for
6 the efficient functioning of the department. All other
7 positions in the department shall be subject to chapter 76,
8 Hawaii Revised Statutes.

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

14 SECTION 2. Section 222, Hawaiian Homes Commission Act,
15 1920, as amended, is amended by amending subsection (a) to read
16 as follows:

17 "(a) The department may make [~~such~~] expenditures and shall
18 adopt rules in accordance with chapter 91, Hawaii Revised
19 Statutes, as are necessary for the efficient execution of the
20 functions vested in the department by this Act. All
21 expenditures of the department and all moneys necessary for



1 loans made by the department, in accordance with [~~the provisions~~
2 ~~of~~] this Act, shall be allowed and paid upon the presentation of
3 itemized vouchers approved by the [~~chairman~~] chairperson of the
4 commission or the [~~chairman's~~] chairperson's designated
5 representative. The department shall make an annual report to
6 the legislature of the State upon the first day of each regular
7 session and [~~such~~] any special reports as the legislature may
8 from time to time require. The [~~chairman~~] chairperson and
9 members of the commission shall give bond as required by law.
10 The sureties upon the bond and the conditions thereof shall be
11 approved annually by the governor."

12 SECTION 3. Section 26-17, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§26-17 Department of Hawaiian home lands.** The department
15 of Hawaiian home lands shall be headed by an executive board to
16 be known as the Hawaiian homes commission.

17 The commission shall be composed of nine members. The
18 appointment, tenure, and removal of the members and the filling
19 of vacancies on the commission shall be in accordance with
20 section 26-34 and section 202(a) of the Hawaiian Homes
21 Commission Act of 1920, as amended. The [~~governor~~] commission



1 members shall ~~[appoint the]~~ elect a chairperson and vice
2 chairperson of the commission from among the commission members
3 ~~[thereof]~~.

4 ~~[The commission may delegate to the chairperson such]~~ The
5 governor shall nominate and, with the advice and consent of the
6 senate, appoint a director of Hawaiian home lands who is not a
7 member of the commission. The director of Hawaiian home lands
8 shall exercise the duties, powers, and authority, or so much
9 thereof, delegated to the director by the commission, and as may
10 be lawful or proper~~[,]~~ for the ~~[performance of the functions~~
11 ~~vested in the commission.]~~ administration of the department.

12 The ~~[chairperson of the board]~~ director of Hawaiian home
13 lands shall serve in a full-time capacity ~~[and shall perform~~
14 ~~such duties, and exercise such powers and authority, or so much~~
15 ~~thereof as may be delegated to the chairperson by the board]~~.

16 The department shall administer the Hawaiian Homes
17 Commission Act of 1920 as set forth in the Constitution of the
18 State and by law.

19 The functions and authority heretofore exercised by the
20 Hawaiian homes commission as heretofore constituted are



1 transferred to the department of Hawaiian home lands established
2 by this chapter."

3 SECTION 4. Any sitting Hawaiian homes commission member
4 whose term of office has not expired as of the effective date of
5 this Act and who does not qualify to be a member of the Hawaiian
6 homes commission under the amendments made by this Act may
7 continue to serve on the commission until that member's term
8 expires.

9 SECTION 5. The incumbent who occupies the position of
10 chairperson of the Hawaiian homes commission on the effective
11 date of this Act shall continue to serve in that capacity with
12 all the powers and duties appertaining thereto prior to the
13 effective date of this Act until a director of Hawaiian home
14 lands is nominated and, subject to the advice and consent of the
15 senate, appointed pursuant to section 26-17, Hawaii Revised
16 Statutes. Beginning on the day the director of Hawaiian homes
17 lands is so appointed, the chairperson shall no longer receive a
18 salary and the director shall receive the salary formerly
19 assigned to the chairperson.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Department of Hawaiian Home Lands; HHC; Chairperson; Director

Description:

Requires at least 5 Hawaiian Homes Commission members to be Native Hawaiian or current Hawaiian homestead lessees; and at least 2 of those 5 to be on the waitlist for Hawaiian home lands. Authorizes commission members to elect a chairperson and vice chairperson. Creates the position of Director of Hawaiian Home Lands and separates the Director's responsibilities from those of the Chairperson of the Commission. Effective July 1, 2050. (HD2)

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