

# S.B. NO. 1355

JAN 25 2023

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## A BILL FOR AN ACT

RELATING TO INTERIM ADMINISTRATIVE RULES OF THE DEPARTMENT OF  
HAWAIIAN HOME LANDS.

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

1           SECTION 1. The legislature finds that the department of  
2 Hawaiian home lands conducts beneficiary consultation, defined  
3 as the department of Hawaiian home lands' direct outreach to  
4 lessees, applicants, and native Hawaiians as defined by the  
5 Hawaiian Homes Commission Act, 1920, as amended, as part of the  
6 department of Hawaiian home lands or Hawaiian homes commission's  
7 decision-making process. Beneficiary consultation is conducted  
8 prior to initiating the rulemaking process pursuant to chapter  
9 91, Hawaii Revised Statutes. The rulemaking process lengthens  
10 the time required to implement administrative rules. The  
11 purpose of this Act is to allow the department of Hawaiian home  
12 lands to issue interim rules, which shall be exempt from the  
13 public notice, public hearing, and gubernatorial approval  
14 requirements of chapter 91, Hawaii Revised Statutes, after  
15 beneficiary consultation is conducted as provided for in the  
16 department of Hawaiian home lands' administrative rules and upon  
17 approval by the Hawaiian homes commission. The interim rules

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1 shall be effective for not more than eighteen months to allow  
2 for interim rules to take effect while the department of  
3 Hawaiian home lands undertakes the rulemaking process pursuant  
4 to chapter 91, Hawaii Revised Statutes, to adopt permanent  
5 rules.

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

9 "§91- Interim rulemaking authority for the department  
10 of Hawaiian home lands. (a) Notwithstanding any other law in  
11 this chapter to the contrary, the department of Hawaiian home  
12 lands may issue interim rules after beneficiary consultation is  
13 conducted. The rules shall become effective upon the approval  
14 of the Hawaiian homes commission.

15 (b) The interim rules shall be exempt from the public  
16 notice, public hearing, and gubernatorial approval requirements  
17 of this chapter.

18 (c) The interim rules shall be effective for no more than  
19 eighteen months from the date the interim rules take effect.

20 (d) For the purposes of this section, "beneficiary  
21 consultation" means the department of Hawaiian home lands'  
22 direct outreach to lessees, applicants, and native Hawaiians as

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1 defined by the Hawaiian Homes Commission Act, 1920, as amended,  
2 as part of the department of Hawaiian home lands or Hawaiian  
3 homes commission's decision-making process."

4 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: 

8

BY REQUEST

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**Report Title:**

Department of Hawaiian Home Lands; Interim rules

**Description:**

Allows the Department of Hawaiian Home Lands to issue interim rules that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes, after beneficiary consultation is conducted by the Department of Hawaiian Home Lands and upon approval by the Hawaiian Homes Commission. 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 ADMINISTRATIVE RULES OF THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

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

JUSTIFICATION: The Department is currently authorized to adopt rules in accordance with chapter 91, HRS, which can be a lengthy process given that the Department conducts beneficiary consultation pursuant to its administrative rules prior to initiating the rulemaking process. This bill will enable the Department to issue interim administrative rules after beneficiary consultation is conducted 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 ensure that the Department has adequate time to adopt permanent rules through formal rulemaking procedures.

Impact on the public: This bill advances the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Department to issue interim rules on important programs and services that can be implemented soon after beneficiary consultation is conducted and upon approval by the Hawaiian Homes

Commission, thereby improving the efficiency of these programs.

Impact on the department and other agencies:  
Interim administrative 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.