
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.

11 The purpose of this Act is to allow the department of
12 Hawaiian home lands to issue interim rules, which shall be
13 exempt from the 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



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

7 SECTION 2. Section 222, Hawaiian Homes Commission Act,
8 1920, as amended, is amended by amending subsection (a) to read
9 as follows:

10 "(a) The department may make such expenditures and shall
11 adopt rules in accordance with chapter 91, Hawaii Revised
12 Statutes, as are necessary for the efficient execution of the
13 functions vested in the department by this Act [-]; provided
14 that:

15 (1) Notwithstanding any other law to the contrary, the
16 department may issue interim rules after beneficiary
17 consultation is conducted, and the rules shall become
18 effective upon the approval of the commission;

19 (2) Interim rules shall be exempt from the public hearing
20 and gubernatorial approval requirements of chapter 91,
21 Hawaii Revised Statutes; and



1 (3) Interim rules shall be effective for not more than
2 eighteen months from the date the interim rules take
3 effect.

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

15 SECTION 3. The provisions of the amendments made by this
16 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
17 declared to be severable, and if any section, sentence, clause,
18 or phrase, or the application thereof to any person or
19 circumstances is held ineffective because there is a requirement
20 of having the consent of the United States to take effect, then
21 that portion only shall take effect upon the granting of consent



1 by the United States and effectiveness of the remainder of these
2 amendments or the application thereof shall not be affected.

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

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

6



Report Title:

Department of Hawaiian Home Lands; Interim rules

Description:

Allows the Department of Hawaiian Home Lands to issue interim rules exempt from the 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. Requires that the interim rules shall be effective for not more than eighteen months. (SD1)

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