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## A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1           SECTION 1. 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 appointment, tenure, and removal of the members and the filling  
8 of vacancies on the commission shall be in accordance with  
9 section 26-34 and section 202(a) of the Hawaiian Homes  
10 Commission Act of 1920, as amended. The governor shall appoint  
11 the chairperson of the commission from among the members  
12 thereof.

13           The commission may delegate to the chairperson such duties,  
14 powers, and authority, or so much thereof as may be lawful or  
15 proper, for the performance of the functions vested in the  
16 commission.

17           The chairperson of the [~~board~~] commission shall serve in a  
18 full time capacity and shall perform such duties, and exercise



1 such powers and authority, or so much thereof as may be  
2 delegated to the chairperson by the [~~board~~] commission.

3 The commission, by a majority vote of its members, shall  
4 appoint and may remove an executive officer to be known as the  
5 director of Hawaiian home lands. The director may be appointed  
6 for a term of up to four years and may be terminated only for  
7 cause. Under policies established by the commission, the  
8 director shall administer programs relating to Hawaiian home  
9 lands throughout the state, and such other programs as may be  
10 established by law.

11 The department shall administer the Hawaiian Homes  
12 Commission Act of 1920 as set forth in the Constitution of the  
13 State and by law.

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

18 SECTION 2. Section 202 of the Hawaiian Homes Commission  
19 Act, 1920, as amended, is amended to read as follows:

20 "**§202. Department officers, staff, commission, members,**  
21 **compensation.** (a) There shall be a department of Hawaiian home  
22 lands which shall be headed by an executive board to be known as



1 the Hawaiian homes commission. The members of the commission  
2 shall be nominated and appointed in accordance with section  
3 26-34, Hawaii Revised Statutes. The commission shall be  
4 composed of nine members, as follows: three shall be residents  
5 of the city and county of Honolulu; two shall be residents of  
6 the county of Hawaii one of whom shall be a resident of east  
7 Hawaii and the other a resident of west Hawaii; two shall be  
8 residents of the county of Maui one of whom shall be a resident  
9 from the island of Molokai; one shall be a resident of the  
10 county of Kauai; and the ninth member shall be the [~~chairman~~]  
11 chairperson of the Hawaiian homes commission. All members shall  
12 have been residents of the State at least three years prior to  
13 their appointment and at least four of the members shall be  
14 descendants of not less than one-fourth part of the blood of the  
15 races inhabiting the Hawaiian Islands previous to 1778. The  
16 members of the commission shall serve without pay, but shall  
17 receive actual expenses incurred by them in the discharge of  
18 their duties as such members. The governor shall appoint the  
19 [~~chairman~~] chairperson of the commission from among the members  
20 thereof.

21 The commission may delegate to the [~~chairman~~] chairperson  
22 such duties, powers, and authority or so much thereof, as may be



1 lawful or proper for the performance of the functions vested in  
2 the commission. The [~~chairman~~] chairperson of the commission  
3 shall serve in a full-time capacity[~~—He~~] and shall, in such  
4 capacity, perform such duties, and exercise such powers and  
5 authority, or so much thereof, as may be delegated to him by the  
6 commission as herein provided above.

7 The commission, by a majority vote of its members, shall  
8 appoint and may remove an executive officer to be known as the  
9 director of Hawaiian home lands. The director may be appointed  
10 for a term of up to four years and may be terminated only for  
11 cause. Under policies established by the commission, the  
12 director shall administer programs relating to Hawaiian home  
13 lands throughout the state, and such other programs as may be  
14 established by law.

15 (b) [~~The provisions of section 76-16, Hawaii Revised~~  
16 ~~Statutes, shall apply to the positions of first deputy and~~  
17 ~~private secretary to the chairman of the commission.] The  
18 department may hire temporary staff on a contractual basis not  
19 subject to chapters 76 and 78, Hawaii Revised Statutes, when the  
20 services to be performed will assist in carrying out the  
21 purposes of the Act. These positions may be funded through  
22 appropriations for capital improvement program projects and by~~



1 the administration account, operating fund, or native Hawaiian  
2 rehabilitation fund. No contract shall be for a period longer  
3 than two years, but individuals hired under contract may be  
4 employed for a maximum of six years; provided that the six-year  
5 limitation shall not apply if the department, with the approval  
6 of the governor, determines that such contract individuals are  
7 needed to provide critical services for the efficient  
8 functioning of the department. All other positions in the  
9 department shall be subject to chapter 76, Hawaii Revised  
10 Statutes.

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

16 SECTION 3. Section 222 of the Hawaiian Homes Commission  
17 Act, 1920, as amended, is amended by amending subsection (a) to  
18 read as follows:

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



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

13 SECTION 4. Sections 206E-191 and 674-5, Hawaii Revised  
 14 Statutes, are amended by substituting the words "director of  
 15 Hawaiian home lands" wherever the words "chairperson of the  
 16 Hawaiian homes commission" appear.

17 SECTION 5. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY: \_\_\_\_\_

*Lyla B. Berg*  
*[Signature]*  
 JAN 22 2007



**Report Title:**

Director of Hawaiian Home Lands; Chairperson of the Hawaiian Homes Commission

**Description:**

Separates the positions of the Director of Hawaiian Home Lands and the chairperson of the Hawaiian Homes Commission.

