

JAN 21 2022

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION.

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

1 SECTION 1. The legislature finds that the current process
2 for selecting candidates to fill vacancies on the Hawaiian homes
3 commission undermines the effectiveness of the commission.
4 Vacancies on the Hawaiian homes commission frequently persist
5 for months or years before being filled and those who are
6 selected to fill vacancies may lack sufficient knowledge of the
7 Hawaiian Homes Commission Act of 1920 and other relevant
8 statutes. The lack of beneficiary input in the selection
9 process also inhibits the commission's ability to respond to the
10 needs of beneficiaries.

11 The purpose of this Act is to expedite the nomination
12 process to fill vacancies on the Hawaiian homes commission,
13 expand beneficiary input in the selection of candidates, and
14 ensure higher standards for nominees with respect to their
15 knowledge of the Hawaiian Homes Commission Act and other
16 relevant statutes.



SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§26-A Hawaiian homes commission; district council. (a)

There are established six Hawaiian homes district councils corresponding to each department of Hawaiian homelands district office designated as follows:

(1) District of East Hawaii;

(2) District of West Hawaii;

(3) District of Maui;

(4) District of Molokai;

(5) District of Oahu; and

(6) District of Kauai.

(b) Each district council shall consist of one member from each eligible Hawaiian homestead or beneficiary association under the jurisdiction of the corresponding department of Hawaiian homelands district office. Each eligible Hawaiian homestead or beneficiary association shall determine the policies regarding the selection of its representative.

(c) The department of Hawaiian homelands shall determine the following:



1 (1) The jurisdiction of each department of Hawaiian
2 homelands district office;

3 (2) Eligible Hawaiian homestead or beneficiary
4 associations; and

5 (3) Policies regarding the terms of district council
6 appointments.

7 §26-B Hawaiian homes commission; vacancy. (a) A vacancy
8 occurring in the membership of the Hawaiian homes commission
9 during a term shall be filled for the unexpired term thereof,
10 subject to article V, section 6, of the Hawaii State
11 Constitution.

12 (b) The governor shall appoint candidates for nomination
13 from a list of three names submitted for the appointment to the
14 vacancy by the Hawaiian homes district council corresponding to
15 the vacancy within sixty calendar days of the vacancy.

16 (c) Each Hawaiian homes district council shall recommend
17 eligible candidates for nomination to fill a vacancy in
18 membership corresponding to its jurisdiction pursuant to the
19 following:



(1) Notification of the vacancy shall be given by the department of Hawaiian homelands to the corresponding Hawaiian homes district council;

(2) The corresponding district council shall make a call for candidates; and

(3) The corresponding district council shall submit three eligible names to the governor within twenty-one calendar days of being notified of the vacancy.

(d) Eligible candidates for the Hawaiian homes commission shall have a working knowledge of the Hawaiian Homes Commission Act of 1920."

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

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

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



1 shall appoint the chairperson of the commission from among the
2 members thereof.

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

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

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 4. Section 202, Hawaiian Homes Commission Act,
19 1920, as amended, is amended by amending subsection (a) to read
20 as follows:



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



1 appoint the chairman of the commission from among the members
2 thereof.

3 The commission may delegate to the chairman such duties,
4 powers, and authority or so much thereof, as may be lawful or
5 proper for the performance of the functions vested in the
6 commission. The chairman of the commission shall serve in a
7 full-time capacity. He shall, in such capacity, perform such
8 duties, and exercise such powers and authority, or so much
9 thereof, as may be delegated to him by the commission as herein
10 provided above."

11 SECTION 5. The provisions of the amendments made by this
12 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
13 declared to be severable, and if any section, sentence, clause,
14 or phrase, or the application thereof to any person or
15 circumstances is held ineffective because there is a requirement
16 of having the consent of the United States to take effect, then
17 that portion only shall take effect upon the granting of consent
18 by the United States and effectiveness of the remainder of these
19 amendments or the application thereof shall not be affected.

20 SECTION 6. In codifying the new sections added by section
21 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

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 upon its approval.

6
INTRODUCED BY: Jana Alcasio



S.B. NO. 2566

Report Title:

Hawaiian Homes Commission; Vacancy; Selection

Description:

Requires that the Governor make nominations to fill vacancies on the Hawaiian Homes Commission in accordance with recommendations by representatives of Hawaiian homestead and beneficiary associations. Requires that the Governor make nominations to fill vacancies within sixty days. Requires that eligible candidates for nominations have a working knowledge of the Hawaiian Homes Commission Act of 1920.

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

