

ACT 207

A Bill for an Act Relating to the Department of Hawaiian Home Lands.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 202 of the Hawaiian Homes Commission Act of 1920, as amended, is hereby amended by deleting the entire section and substituting in lieu thereof the following:

"Sec. 202. Department officers, staff, commission, members, compensation. (a) There shall be a department of Hawaiian home lands which shall be headed by an executive board to be known as the Hawaiian homes commission. The members of the commission shall be nominated and appointed in accordance with section 14A-3, Revised Laws of Hawaii 1955, as amended. The commission shall be composed of seven members, four of whom shall be residents of the city and county of Honolulu; of the remaining members, one shall be a resident of the county of Hawaii, one a resident of the county of Maui, and one a resident of the county of Kauai. All members shall have been residents of the State of Hawaii at least three years prior to their appointment and at least four of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian islands previous to 1778. The members of the commission shall serve without pay, but shall receive actual expenses incurred by them in the discharge of their duties as such members. The governor shall appoint the chairman of the commission from among the members thereof.

The commission may delegate to the chairman such duties, powers, and authority or so much thereof, as may be lawful or proper for the performance of the functions vested in the commission. The chairman of the commission shall serve in a full-time capacity, and shall be compensated therefor in the sum of \$18,500 per annum. He shall, in such capacity, perform such duties, and exercise such powers and authority, or so much thereof, as may be delegated to him by the commission as herein provided above.

(b) The provisions of section 3-20 (o) Revised Laws of Hawaii 1955, as amended, shall apply to the positions of the first deputy and private secretary to the chairman of the commission. All other positions in the department shall be subject to the provisions of chapters 3 and 4, Revised Laws of Hawaii 1955, as amended, and employees having tenure, according to the employment practices of the department, immediately prior to the passage of this Act and occupying positions in accordance with the State's position classifications and compensation plans shall be given permanent appointment status under chapter 3 without a reduction in pay or the loss of seniority, prior service credit, vacation or sick leave earned heretofore. An employee with tenure who does not occupy a position under chapters 3 and 4 shall be appointed to the position after it has been classified and assigned to an appropriate salary range by the director of personnel services and such employee shall not suffer a reduction in pay or loss of seniority and other credits earned heretofore.

All vacancies and new positions which are covered by the provisions of chapters 3 and 4, Revised Laws of Hawaii 1955, as amended, shall be

filled in accordance with the provisions of sections 3-21 (e) and (1), Revised Laws of Hawaii 1955, as amended, provided that the provisions of these sections shall be applicable first to qualified persons of Hawaiian extraction.

SECTION 2. Sections 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 219, 220 and 221 of the Hawaiian Homes Commission Act of 1920, as amended, are hereby amended by deleting the word "commission" wherever it appears therein and substituting in lieu thereof the word "department".

SECTION 3. Section 215 of the Hawaiian Homes Commission Act of 1920, as amended, is hereby amended by:

(a) deleting the phrase "with the concurrence therein of at least three of the five members of the commission", in subsection (2) thereof; and

(b) deleting the phrase "with the concurrence therein of at least three of the five members", wherever it appears in subsection (3) thereof.

SECTION 4. Section 222 of the Hawaiian Homes Commission Act of 1920, as amended, is hereby amended by deleting the section in its entirety and substituting in lieu thereof the following:

"**Sec. 222. Administration.** The department shall adopt rules and regulations and policies in accordance with the provisions of chapter 6C, Revised Laws of Hawaii 1955, as amended. The department may make such expenditures as are necessary for the efficient execution of the functions vested in the department by this Act. All expenditures of the department, as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, or the Hawaiian home-operating fund, and all monies necessary for loans made by the department, in accordance with the provisions of this Act, from the Hawaiian home-loan fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission. The department shall make an annual report to the legislature of the State upon the first day of each regular session thereof and such special reports as the legislature may from time to time require. The chairman of the commission shall give bond in the sum of \$25,000 for the faithful performance of his duties. The sureties upon the bond and the conditions thereof shall be approved annually by the governor."

SECTION 5. The Hawaiian Homes Commission Act of 1920, as amended, is hereby amended in the following respects:

(a) By deleting the words "Territory", "territorial" or words of like import wherever they appear in this Act and by substituting in lieu thereof the word "State", or words of like import as the context requires.

(b) By deleting the words "Commissioner of Public Lands", "board of public lands" and words of like import wherever they appear in this Act, and by substituting in lieu thereof the words "board of land and natural resources".

SECTION 6. Section 14A-23, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

Sec. 14A-23. 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 consist of seven members selected in accordance with the provisions of section 14A-3 and section 202 (a) of the Hawaiian Homes Commission Act of 1920, as amended. The governor shall appoint the chairman of the commission from among the members thereof.

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

The chairman of the commission shall serve in a full-time capacity, and shall be compensated therefor in the sum of \$18,500 per annum. He shall, in such capacity, perform such duties, and exercise such powers and authority, or so much thereof, as may be delegated to him by the commission as herein provided above.

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

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

SECTION 7. The provisions of this Act are declared to be severable, and if any section, sentence, clause or phrase of this Act or the application thereof to any person or circumstance is held ineffective because it requires consent of Congress to take effect, then, that portion only shall take effect upon the granting of consent of Congress and the effectiveness of the remainder of this Act or the application thereof shall not be affected. Nothing in this Act shall be construed to change the qualifications of lessees or to reduce or impair the Hawaiian home-loan fund, Hawaiian home-operating fund, or the Hawaiian home-development fund.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 20, 1963.) **H.B. 1352.**