

JAN 20 2012

A BILL FOR AN ACT

RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

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

1 SECTION 1. Section 201.6, Hawaiian Homes Commission Act,
2 1920, as amended, is amended to read as follows:

3 "~~{}~~\$201.6.~~{}~~ **Community based governance on Hawaiian home**
4 **lands.** It is the policy of the State to support participation
5 in governance by promoting the empowerment of democratically-
6 elected Hawaiian homestead community self-governance
7 organizations.

8 In furtherance of this policy, [~~and with the consent of the~~
9 ~~Congress of the United States,~~] the State may delegate to a
10 democratically-elected organization representing a Hawaiian
11 homestead community or communities the authorities delegated to
12 the State by the United States relating to the administration of
13 the Hawaiian Homes Commission Act, 1920, as amended.

14 The commission may establish a working relationship with a
15 democratically-elected Hawaiian homestead community self-
16 governance organization to promote community welfare. The
17 selection of authorities to be delegated shall be left to the
18 Hawaiian homes commission's discretion. The commission may



1 establish criteria to determine the boundaries and location of a
2 Hawaiian homestead community and whether a Hawaiian homestead
3 community organization is eligible for delegation. Criteria for
4 eligibility shall include but not be limited to the following:

- 5 (1) The organization and its leadership is a bona fide
6 representative body of native Hawaiian residents,
7 homestead lessees, qualified successors residing
8 within the homestead community, and native Hawaiians
9 who have designated that homestead community as their
10 primary choice of residence with the department of
11 Hawaiian home lands and who are awaiting an award of a
12 lease under this Act;
- 13 (2) The organization is governed by free and fair
14 elections; and
- 15 (3) The organization demonstrates sufficient capacity to
16 implement the authorities that are delegated.

17 The commission may contract with and delegate authority to
18 a Hawaiian homestead community self-governance organization to
19 perform governmental services for the homestead community
20 represented by that homestead organization. Any such contract
21 shall include a requirement that the government service shall be
22 performed at a level and quality comparable to the services that



1 would otherwise be provided by the department of Hawaiian home
2 lands.

3 The department of Hawaiian home lands may adopt rules in
4 accordance with chapter 91, Hawaii Revised Statutes, to
5 implement this section."

6 SECTION 2. The provisions of the amendments made by this
7 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
8 declared to be severable, and if any section, sentence, clause,
9 or phrase, or the application thereof to any person or
10 circumstances is held ineffective because there is a requirement
11 of having the consent of the United States to take effect, then
12 that portion only shall take effect upon the granting of consent
13 by the United States and effectiveness of the remainder of these
14 amendments or the application thereof shall not be affected.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken.

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

18

INTRODUCED BY:

Wm Ilee



S.B. NO. 2212

Report Title:

Hawaiian Homes Commission Act; Community Based Governance;
Congressional Consent

Description:

Repeals the congressional consent requirement for amendments made to the provision relating to community based governance on Hawaiian home lands.

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