

HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 2

ORGANIZATION AND MANAGEMENT

Subchapter 1 The Commission

- §10-2-1 Office
- §10-2-2 Sessions
- §10-2-3 Commission meetings
- §10-2-4 Special meetings
- §10-2-5 Quorum; votes
- §10-2-6 Schedule of meetings
- §10-2-7 Agenda
- §10-2-8 Order of business
- §10-2-9 Suspension of discussion agenda items
- §10-2-10 Attendance at meetings
- §10-2-11 Requests for appearance at commission meeting
- §10-2-12 Time allowed at commission meetings
- §10-2-13 Minutes
- §10-2-14 Confidential information
- §10-2-15 Absence, disability of chairman
- §10-2-16 Delegation of duties to chairman
- §10-2-17 Ratification of chairman's actions
- §10-2-18 Responsibility of commissioners
- §10-2-19 Duties of commissioners as trustees
- §10-2-20 Appointment of commissioner to committee
- §10-2-21 Submittals
- §§10-2-22 to 30 (Reserved)

Subchapter 2 The Department

- §10-2-31 Office

§10-2-1

§10-2-32 Hours  
§10-2-33 Personnel  
§10-2-34 Absence, disability of chairman  
§§10-2-35 to 40 (Reserved)

### Subchapter 3 The Management

§10-2-41 Chairman to sign for commission  
§10-2-42 Chairman to sign for department  
§10-2-43 Chairman responsible for administration  
§10-2-44 Administrative manual  
§10-2-45 Chairman to present annual report  
§10-2-46 Chairman to develop plans for lands

Historical Note: Chapter 2 of Title 10, Hawaii Administrative Rules, is based substantially upon Part II, Rules and Regulations, Department of Hawaiian Home Lands. [Eff 8/18/72; am 11/14/77; R 7/30/81]

## SUBCHAPTER 1 THE COMMISSION

**§10-2-1 Office.** The office of the commission is at Honolulu, Hawaii. All communications to the commission shall be addressed to the Hawaiian homes commission, as in section 10-1-2(a)(1). [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §202)

**§10-2-2 Sessions.** The commission may meet and exercise its powers in any part of the State. All meetings of the commission shall be open to the public, except that the commission may meet in executive session as permitted under chapter 92, HRS, from which the public may be excluded by a recorded vote of not less than two-thirds of the total membership of the

commission. Unless otherwise permitted under chapter 92, HRS, no contract, appointment, or decision shall be finally acted upon at any such executive session. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS §§ 91-3, 91-4, 91-5)

**§10-2-3 Commission meetings.** The commission shall meet at least once a month. The commission shall meet at least once a year on the islands of Kauai, Hawaii, Molokai, and Maui, and at various homestead communities on each island as practicable. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §202; HRS §92-7)

**§10-2-4 Special meetings.** Special meetings may be called by the chairman or at the request of a majority of all members to which the commission is entitled. The chairman shall notify the members of the commission of the time, place, and purpose of the special meeting. Special meetings are not to take the place of regular commission meetings. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §202; HRS §92-7)

**§10-2-5 Quorum; votes.** A majority of all the members to which the commission is entitled shall constitute a quorum to transact business. Except as otherwise provided by law, the concurrence of a majority of all the members to which the commission is entitled shall be necessary to make any action of the commission valid. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §92-15) (Imp: HHC Act §202; HRS §92-15)

**§10-2-6 Schedule of meetings.** A schedule of the meetings to be held in the coming year will be prepared and submitted to the commission at its regular December meeting. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS §91-2)

**§10-2-7 Agenda.** A copy of the regular agenda, less any confidential information concerning applicants or lessees, shall be posted at every office of the department throughout the State and shall be filed with the lieutenant governor's office at least six calendar days before every meeting of the commission. [Eff 7/30/81; am 11/17/84; am and comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §202; HRS §92-7)

**§10-2-8 Order of business.** The agenda shall state the order of business to be conducted by the commission at its meeting. Persons wishing items of business to be placed on the agenda shall contact the chairman not later than two weeks before the scheduled meeting. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS §92-7)

**§10-2-9 Suspension of discussion agenda items.** The commission, for good cause by majority vote, may suspend discussion of any item on the agenda. At its discretion the commission shall continue discussion after all other agenda items have been completed or shall continue the discussion at no later than the next regular scheduled meeting. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §202)

**§10-2-10 Attendance at meetings.** Unless excused, meetings shall be attended by all commissioners, by the chairman, and by such members of the staff as are instructed to attend by the chairman. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §202)

**§10-2-11 Requests for appearance at commission meeting.** (a) Any person shall be afforded an opportunity to present written or oral testimony to the commission at its regular monthly meeting.

(b) In order to ensure an orderly and efficient meeting, any person who wants to appear before the commission to present testimony is requested to notify the chairman at least two weeks before the commission meeting and, if possible, submit a written copy of the testimony to the commission secretary before the meeting. The chairman shall reply in writing at least one week before the meeting.

(c) The chairman shall have the authority to limit or terminate any testimony which the chairman determines to be repetitious or made solely for purposes of delay. The chairman shall also have the authority to impose reasonable conditions to ensure an orderly and efficient meeting, which shall include but not be limited to the removal, from a meeting, of any person or persons whom the chairman determines to be disruptive. This subsection shall not limit the authority granted in sections 10-2-16 through 10-2-20 to the commission or the chairman.

(d) A person may be represented by or with counsel or other duly qualified representative before the commission. The commission may at any time require any person appearing before the commission in a representative capacity to show the person's authority and qualification to act in such capacity. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS §92-3)

§10-2-12

**§10-2-12 Time allowed at commission meetings.**

Persons who have requested to appear before the commission at its meeting as provided in section 10-2-11 will have fifteen minutes to present such information, data, material and testimony relevant to and as set forth in the request. The chairman may provide additional time if so desired by the requesting person and if time permits. When time permits, the chairman may allow any other person to speak before the commission whether or not such person has requested to appear as provided in section 10-2-11. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS §92-3)

**§10-2-13 Minutes.**

A running account of all proceedings of each meeting of the commission shall be kept in as complete detail as is reasonably possible. Minutes comprising a summary account of the proceedings and containing as much detail as is necessary to indicate the course of the proceedings and the actions taken by the commission shall be transcribed under the direction of the chairman. The minutes shall be submitted by the chairman for approval at the next regular meeting. Upon approval, the chairman shall sign and enter the date of approval upon the minutes. The chairman shall also note thereon any changes ordered before approval and shall communicate them to the district office managers. All approved minutes shall be available for inspection by any interested person. Except as otherwise provided by law, copies of the approved minutes shall be kept on file at the main office of the department and also distributed to each commissioner and district office. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS §92-9)

**§10-2-14 Confidential information.**

No information of a personal or private nature regarding

§10-2-16

any individual shall be included in the minutes. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS Chapter 92F)

**§10-2-15 Absence, disability of chairman.**

Whenever the chairman is absent or disabled from performing the duties of the office, the vice-chairman shall assume the duties of the chairman. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-16 Delegation of duties to chairman. (a)**

It is the desire of the commission that functions and duties, administrative in nature, be delegated to the chairman and duties requiring the exercise of judgement or discretion continue to reside with the commission.

(b) The commission shall be deemed to have delegated to the chairman duties, powers, and authority as may be lawful or proper for the performance of functions vested in the commission, including the following:

- (1) To appoint special committees and prescribe their powers and duties;
- (2) To preside over all meetings of the commission;
- (3) To approve and sign all vouchers, and to approve the assignment of funds to be received;
- (4) To approve leaves of absence;
- (5) To approve plans for construction of homes and improvements;
- (6) To screen matters referred to the chairman by staff and to select those of sufficient importance to place on the agenda for consideration by the commission; and
- (7) To sign commission resolutions, licenses, leases, and contracts approved by the commission.

§10-2-16

(c) Subject to the provisions of section 10-2-17, the chairman may:

- (1) Grant loans from any loan fund;
- (2) Approve the designation of successors;
- (3) Accept surrenders of homestead leases; and
- (4) Approve, in regards to general leases, plans, assignments, subleases, and mortgages.

(d) The chairman or a designee may approve and sign contracts under \$25,000 which are included in the commission's prior approved budget. [Eff 7/30/81; am 11/17/84; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-17 Ratification of chairman's actions.** The chairman shall report to the commission for ratification of any actions taken as permitted under section 10-2-16(c). [Eff 7/30/81; am 11/17/84; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-18 Responsibility of commissioners.** (a) It is the responsibility of each commissioner to:

- (1) Attend all meetings of the commission unless excused;
- (2) Undertake all duties assigned by the commission;
- (3) Keep generally informed of all matters pertinent to the determination of policy by the commission and effectuation thereof;
- (4) Be available to lessees in the representative area at reasonable times;
- (5) Be present at hearings affecting the rights of a lessee from the representative area; and
- (6) Have a working knowledge of the act.

(b) No commissioner may individually direct administrative orders. Instructions or complaints intended for staff members shall be referred to the

§10-2-30



chairman. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-19 Duties of commissioners as trustees.** As trustees, it shall be the duty of commissioners to:

- (1) Act exclusively in the interest of beneficiaries under the act;
- (2) Hold and protect the trust property for beneficiaries under the act;
- (3) Exercise such care and skill as a person of ordinary prudence would exercise in dealing with one's own property in the management of Hawaiian home lands; and
- (4) Adhere to the terms of the trust as set forth in the act. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-20 Appointment of commissioner to committee.** The chairman shall appoint to any committee formed to decide rights of a lessee, the commissioner from the area of the affected lessee. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-21 Submittals.** All applications, certificates, or other papers or documents required to be filed with the commission shall be filed in the office of the commission within such time limits as prescribed by law, rules, or by order of the commission. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

§§10-2-22 to 10-2-30 (Reserved)

§10-2-31

SUBCHAPTER 2  
THE DEPARTMENT

**§10-2-31 Office.** The main office of the department is at Honolulu, Hawaii. All communications to the department shall be addressed as in section 10-1-2(a)(1). [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-32 Hours.** The office of the department shall be open from 7:45 a.m. to 4:30 p.m., Monday through Friday, unless otherwise provided by the statute or executive order. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §§80-1, 91-2) (Imp: HHC Act §202)

**§10-2-33 Personnel.** All personnel on the department's staff are under the direction of and are responsible to the chairman. The chairman, subject to law and civil service rules, shall select and discharge personnel for the department's staff. The commission shall be informed of all changes in staff personnel. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HRS §26-38)

**§10-2-34 Absence, disability of chairman.** Whenever the chairman is absent or disabled from performing the duties of office, the deputy to the chairman shall assume the duties of the chairman, unless the chairman designates otherwise. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

§10-2-44

§§10-2-35 to 10-2-40 (Reserved)

SUBCHAPTER 3  
THE MANAGEMENT

**§10-2-41 Chairman to sign for commission.** All orders and other actions of the commission shall be authenticated or signed by the chairman. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202; HRS §21-38)

**§10-2-42 Chairman to sign for department.** The chairman shall approve and sign all vouchers and assignment of funds to be received under pineapple or grazing contracts. After approval of the commission, chairman shall sign all licenses, leases, loan contracts, assignments of pineapple and grazing contracts, contracts with other governmental agencies and commission resolutions. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §202)

**§10-2-43 Chairman responsible for administration.** The chairman shall have full charge of and responsibility for the administration and execution of all actions approved by the commission and in effectuating commission policy. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-44 Administrative manual.** The chairman shall prepare and distribute to each commissioner and

§10-2-44

district office an administrative manual describing department operating procedures. The procedures shall

be open to the public and shall not be in conflict with title 10 or the act. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-45 Chairman to present annual report.** The chairman shall present to the commission, before submission to the governor and legislature, the annual report of the department. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

**§10-2-46 Chairman to develop plans for lands.** The chairman shall develop and present to the commission plans for lands entrusted to the department. [Eff 7/30/81; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)