

Act 66 (HB 1156 May 8, 1973)

Act 66 amended §208 by increasing the guarantee ceiling set in 1967 from \$500,000 to \$2,000,000.

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He shall supervise all of the forces comprising the military components of the department of defense of the State. The supervisory power shall include the command, discipline, training, and recruiting of the armed forces of the State, military operations, distribution of troops, inspections, armament, military education and instruction, fiscal operations, administration, and supply.

The adjutant general is authorized to confer the powers of police officers, including the power to arrest, to employees of the Department who are engaged as security guards for national guard and civil defense facilities; provided, that such powers shall remain in force and effect only while the security guards are in the actual performance of their duties as security guards."

SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"Sec. 28- Security guards; appointment and powers. Employees of the department of the attorney general engaged as security guards, upon specific authorization and direction of the attorney general, shall have all of the powers of police officers, including the power of arrest; provided that such powers shall remain in force and effect only while the security guards are in actual performance of their duties as security guards which duties shall include off-duty employment when such employment is for other state departments or agencies."

SECTION 3. All employees of the department of defense who are engaged as security guards assigned to the Capitol Security Complex shall be transferred to the department of the attorney general without change in civil service status, reduction in salary range, loss of vacation or sick leave allowances, seniority, prior service credits, or other employee benefits or privileges, and without the necessity of examination; provided that subsequent changes in status may be made pursuant to applicable personnel laws.

SECTION 4. All records, equipment, files, supplies, books, papers, documents, maps, and other property, pertaining to or used by the security guards transferred by section 3, shall be transferred to the department of the attorney general without cost to the department of the attorney general.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 6. This Act shall take effect on July 1, 1973.

(Approved May 8, 1973.)

ACT 66

H. B. NO. 1156

A Bill for an Act Amending the Hawaiian Homes Commission Act, 1920.

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

*Edited accordingly.

SECTION 1. Section 208 of the Hawaiian Homes Commission Act, 1920, is amended to read:

"Sec. 208. Conditions in leases. Each lease made under the authority granted the department by the provisions of section 207 of this title, and the tract in respect to which the lease is made, shall be deemed subject to the following conditions, whether or not stipulated in the lease:

(1) The original lessee shall be a native Hawaiian, not less than twenty-one years of age. In case two lessees either original or in succession marry, they shall choose the lease to be retained, and the remaining lease shall be transferred or cancelled in accordance with the provisions of succeeding sections.

(2) The lessee shall pay a rental of one dollar a year for the tract and the lease shall be for a term of ninety-nine years.

(3) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one year after the lease is made. The lessee of agricultural lands shall plant and maintain not less than five, ten, fifteen and twenty trees per acre of land leased and the lessee of pastoral lands shall plant and maintain not less than two, three, four, and five trees per acre of land leased during the first, second, third and fourth years, respectively, after the date of lease. Such trees shall be of types approved by the department and at locations specified by the department's agent. Such planting and maintenance shall be by or under the immediate control and direction of the lessee. Such trees shall be furnished by the department free of charge.

(4) The lessee shall thereafter, for at least such part of each year as the department shall by regulation prescribe, so occupy and use or cultivate the tract on his own behalf.

(5) The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except a native Hawaiian or Hawaiians, and then only upon the approval of the department, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with a native Hawaiian or Hawaiians approved of by the department, or for any indebtedness due the department or for taxes, or for any other indebtedness the payment of which has been assured by the department, including loans from governmental agencies where such loans have been approved by the department, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon.

(6) The lessee shall pay all taxes assessed upon the tract and improvements thereon. The department may in its discretion pay such taxes and have a lien therefor as provided by section 216 of this act.

(7) The lessee shall perform such other conditions, not in conflict with any provision of this title, as the department may stipulate in the lease; provided, however, that an original lessee shall be exempt from all taxes for the first seven years from date of lease.

(8) The department may assure the repayment of loans to lessees from

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governmental agencies where such loans have been approved by the department, up to the limits prescribed in section 215; provided that the lessee has no indebtedness due the department and the department shall not make any loans to the lessee while loans from governmental agencies are outstanding; provided further that upon receipt of notice of default in the payment of such loans, the department may, upon failure of the lessee to cure the default within 60 days, cancel the lease and thereupon use its best efforts to redispense of the tract to a qualified and responsible native Hawaiian or Hawaiians as a new lessee who will assume the obligation of the outstanding debt thereby assured, and make payments to the governmental agency from available funds either for the monthly payments as they become due and payable or for the amount of the debt. In no event shall the aggregate amount assured by the department exceed \$2,000,000."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 8, 1973.)

ACT 67

S. B. NO. 140

A Bill for an Act Relating to Assistance to Displaced Persons.

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

SECTION 1. Chapter 111, Hawaii Revised Statutes, is amended in the following particulars:

1. By amending section 111-3 to read:

"**Sec. 111-3 Relocation payments.** (a) Except as provided in subsection (f) below, if any state agency displaces persons described herein, it shall make fair and reasonable relocation payments to such displaced persons as required by this chapter.

(b) A relocation payment to a displaced person shall be for his or its actual and reasonable moving expenses.

(c) Optional payments (dwelling). Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (b) of this section may receive: (1) a moving expense allowance determined according to a schedule established by the state agency involved not to exceed \$200; and (2) a dislocation allowance in the amount of \$100.

(d) Optional payments (business and farm operations). Any displaced person who moves or discontinues his business or farm operations who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section may receive a fixed relocation pay-

*Edited accordingly.

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