

Act 273 (HB 2163 June 18, 1982)

The purpose of this Act was to correct an inconsistency between HRS §26-17 and §202 (a) of the HHCA, 1920 as amended. Act 273 amended section 26-17, HRS, to conform to §202 of the HHCA which had been amended by Act 174, SLH 1977, changing the composition of the Commission from seven to eight members. Appointment, tenure and removal of members and filling of vacancies in the commission shall be in accordance with §26-34, HRS, and §202(a) of the HHCA, 1920, as amended.

any qualified Hawaiian regardless of whether or not he is related in any way by blood or marriage to the previous lessee.

[(3)] (c) Should any successor or successors to a tract be a minor or minors, the department may appoint a guardian therefor, subject to the approval of the court of proper jurisdiction. Such guardian shall be authorized to represent the successor or successors in all matters pertaining to the leasehold; provided, that said guardian shall, in so representing such successor or successors, comply with the provisions of this title and the stipulations and provisions contained in the lease, except that said guardian [may] need not be a native Hawaiian as defined in section 201 of this title."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon the approval of the Governor of the State of Hawaii with the consent of the United States.

(Approved June 18, 1982.)

Note

1. Wrong version of section appears to be amended

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H.B. NO. 2163-82

A Bill for an Act Relating to the Executive Departments.

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

SECTION 1. Purpose. The purpose of this Act is to conform Section 26-17, Hawaii Revised Statutes, with Section 202 of the Hawaiian Homes Commission Act, 1920, as amended.

SECTION 2. Section 26-17, Hawaii Revised Statutes, is amended to read:
 "§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 [consist of seven members selected] be composed of eight members. The appointment, tenure, and removal of the members and the filing of vacancies on the commission shall be in accordance with section 26-34 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 board shall serve in a full time capacity and shall perform such duties, and exercise such powers and authority, or so much thereof as may be delegated to him by the board.

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

The functions and authority heretofore exercised by the Hawaiian homes

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commission as heretofore constituted are transferred to the department of Hawaiian home lands established by this chapter."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved June 18, 1982.)

ACT 274

H.B. NO. 2560-82

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as Amended.

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

SECTION 1. The purpose of this Act is to amend the Hawaiian Homes Commission Act, 1920, as amended, to improve the department of Hawaiian home lands' agricultural programs by increasing the ceiling on farm loans to lessees and by offering a wider variety of services and loans to our homestead farmers and ranchers.

SECTION 2. Section 213, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (a) to read:

"(a) There are established in the treasury of the State seven revolving funds, to be known respectively as the Hawaiian home loan fund, the additional receipts loan fund, the Hawaiian home general loan fund, the Hawaiian home replacement loan fund, the Hawaiian home repair loan fund, the Hawaiian home farm loan fund, and the Hawaiian home operating fund.

(1) Hawaiian home loan fund. Thirty per cent of the state receipts derived from the leasing of cultivated sugarcane lands under any other provision of law or from water licenses shall be deposited into this fund. The aggregate amount of this fund including:

- (A) The outstanding principal of all loans, advances, and transfers which have been made to other funds for which this fund has not been or need not be reimbursed; and
- (B) The instalments of principal paid by the lessees upon loans made to them from this fund, or payments representing reimbursements, on account of advances, but not including interest on such loans or advances.

shall not exceed \$5,000,000. The moneys in this fund shall be available for the purposes enumerated in section 214 of this Act.

That portion of the thirty per cent of the state receipts derived from the leasing of cultivated sugarcane lands under any other provision of law or from water licenses, in excess of the present ceiling in the Hawaiian home loan fund of \$5,000,000, which amount is called "additional receipts," shall be transferred to the Hawaiian home development fund, to the additional receipts loan fund, and the Hawaiian home education fund as follows: fifteen per cent to the additional receipts loan fund, thirteen per cent to the Hawaiian home development fund, and seventy-