
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:

1 SECTION 1. Section 201 of the Hawaiian Homes Commission
2 Act, 1920, as amended, is amended to read as follows:

3 "§201. ~~[[Definitions.]]~~ (a) ~~[That when]~~ When used in
4 this title:

5 [(1) The term "commission"] "Commission" means the Hawaiian
6 [Homes Commission;] homes commission.

7 [(2) The term "public land"] "Public land" has the same
8 meaning as defined in paragraph (3) of subdivision (a) of section
9 73 of the Hawaiian Organic Act[;]_

10 [(3) The term "fund"] "Fund" means the Hawaiian home loan
11 fund[;]_

12 [(4) The term] "State" means the State of Hawaii[;]_

13 [(5) The term] "Hawaiian home lands" means all lands given
14 the status of Hawaiian home lands under the provisions of section
15 204 of this title[;]_

16 [(6) The term "tract"] "Tract" means any tract of Hawaiian
17 home lands leased, as authorized by section 207 of this title, or
18 any portion of [such] the tract[;]_

19 [(7) The term] "native Hawaiian" means any descendant of
20 not less than one-half part of the blood of the races inhabiting

1 limitation, streets, storm drainage systems, pedestrian
2 ways, water facilities and systems, sidewalks, street
3 lighting, sanitary sewerage facilities and systems,
4 utility and service corridors, and utility lines, where
5 applicable, sufficient to adequately service
6 developable improvements therein, sites for schools,
7 parks, off-street parking facilities, and other
8 community facilities;

9 (2) With the approval of the governor, undertake and carry
10 out the development of available lands for homestead,
11 commercial, and multipurpose projects as provided in
12 section 220.5 of this Act, as a developer under this
13 section or in association with a developer agreement
14 entered into pursuant to this section by providing for
15 the construction, reconstruction, improvement,
16 alteration, or repair of public facilities for
17 development, including, without limitation, streets,
18 storm drainage systems, pedestrian ways, water
19 facilities and systems, sidewalks, street lighting,
20 sanitary sewerage facilities and systems, utility and
21 service corridors, and utility lines, where applicable,
22 sufficient to adequately service developable
23 improvements therein, sites for schools, parks, off-

1 lands, whether or not the property is a part of the development
2 being financed."

3 SECTION 3. Section 205 of the Hawaiian Homes Commission
4 Act, 1920, as amended, is amended to read as follows:

5 "§205. ~~[[]Sale or lease, limitations on.[]]~~ Available
6 lands shall be sold or leased only [(1) in]:

7 (1) In the manner and for the purposes set out in this
8 title[, or (2) as]; or

9 (2) As may be necessary to complete any valid agreement of
10 sale or lease in effect at the time of the passage of
11 this Act;

12 except that such limitations shall not apply to the unselected
13 portions of lands from which the department has made a selection
14 and given notice thereof, or failed so to select and give notice
15 within the time limit, as provided in paragraph (3) of section
16 204 of this title."

17 SECTION 4. Section 206 of the Hawaiian Homes Commission
18 Act, 1920, as amended, is amended to read as follows:

19 "§206. ~~[[]Other officers not to control Hawaiian home
20 lands; exception.[]]~~ The powers and duties of the governor and
21 the board of land and natural resources, in respect to lands of
22 the State, shall not extend to lands having the status of
23 Hawaiian home lands, except as specifically provided in this

1 when practicable, provide from the Hawaiian home lands a
2 community pasture adjacent to each district in which agricultural
3 lands are leased, as authorized by the provisions of section 207
4 of this title."

5 SECTION 7. Section 213.5 of the Hawaiian Homes Commission
6 Act, 1920, as amended, is amended to read as follows:

7 "[[]§213.5.[[]] Establishment of special fund. A separate
8 special fund of the department shall be established for each
9 undertaking or part thereof financed from the proceeds of revenue
10 bonds equally secured. Each fund shall be designated "department
11 of Hawaiian home lands revenue bond special fund" and bear any
12 additional designation the department deems appropriate to
13 properly identify the fund. Any law to the contrary
14 notwithstanding, including any provision of this Act, from and
15 after the issuance of revenue bonds under and pursuant to the
16 provisions of this Act and part III of chapter 39, Hawaii Revised
17 Statutes, to finance an undertaking, all rentals, income,
18 receipts, and other revenues derived by the department from the
19 particular undertaking for which financing is undertaken shall be
20 paid into the special fund established pursuant to this Act and
21 applied in the manner and for the purposes set forth in part III
22 of chapter 39, Hawaii Revised Statutes, and the proceedings
23 authorizing the issuance of revenue bonds."

1 the available security of the association, and for the
2 development and operation of a mercantile establishment
3 shall not exceed the loan limit determined by the
4 department on the basis of the proposed operations and
5 the available security of the lessee or of the
6 organization formed and controlled by lessees; provided
7 that upon the death of a lessee leaving no relative
8 qualified to be a lessee of Hawaiian home lands, or the
9 cancellation of a lease by the department, or the
10 surrender of a lease by the lessee, the department
11 shall make the payment provided for by section 209(a),
12 the amount of any such payment shall be considered as
13 part or all, as the case may be, of any such loan to
14 the successor or successors, without limitation as to
15 the above maximum amounts; provided further that in
16 case of the death of a lessee, or cancellation of a
17 lease by the department, or the surrender of a lease by
18 the lessee, the successor or successors to the tract
19 shall assume any outstanding loan or loans thereon, if
20 any, without limitation as to the above maximum amounts
21 but subject to paragraph (3).

- 22 (2) The loans shall be repaid in periodic installments,
23 such installments to be monthly, quarterly, semiannual,

1 lessee, the department may, at its option declare all
2 installments upon the loan immediately due and payable,
3 or permit the successor or successors to the tract to
4 assume the contract of loan subject to paragraph (1).
5 The department may, in such cases where the successor
6 or successors to the tract assume the contract of loan,
7 waive the payment, wholly or in part, of interest
8 already due and delinquent upon the loan, or postpone
9 the payment of any installment thereon, wholly or in
10 part, until such later dates as it deems advisable.
11 Such postponed payments shall, however, continue to
12 bear interest on the unpaid principal at the rate
13 established for the loan. Further, the department may,
14 if it deems it advisable and for the best interests of
15 the lessees, write off and cancel, wholly or in part,
16 the contract of loan of the deceased lessee, or
17 previous lessee, as the case may be, where such loans
18 are delinquent and deemed uncollectible. Such write
19 off and cancellation shall be made only after an
20 appraisal of all improvements and growing crops or
21 improvements and aquaculture stock, as the case may be,
22 on the tract involved, such appraisal to be made in the
23 manner and as provided for by section 209(a). In every
24 case, the amount of such appraisal, or any part

1 assignment when requested by the department shall be
2 sufficient ground for cancellation of the borrower's
3 lease or interest therein."

4 SECTION 9. Section 217 of the Hawaiian Homes Commission
5 Act, 1920, as amended, is amended to read as follows:

6 "§217. [E]jectment, when [] loan to new lessee for
7 improvements. [] In case the lessee or borrower or the successor
8 to [his] an interest in the tract, as the case may be, fails to
9 comply with any order issued by the department under the
10 provisions of section 210 or 216 of this title, the department
11 may [(1) bring]:

12 (1) Bring action of ejectment or other appropriate
13 proceedings[, or (2) invoke]; or

14 (2) Invoke the aid of the circuit court of the State for
15 the judicial circuit in which the tract designated in
16 the department's order is situated. Such court may
17 thereupon order the lessee or [his] the lessee's
18 successor to comply with the order of the department.
19 Any failure to obey the order of the court may be
20 punished by it as contempt thereof. Any tract
21 forfeited under the provisions of section 210 or 216 of
22 this title may be again leased by the department as
23 authorized by the provisions of section 207 of this

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BENJAMIN J. CAYETANO
GOVERNOR
STATE OF HAWAII



KALI WATSON
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOBIE M. K. M. YAMAGUCHI
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

February 6, 1997

TO: The Honorable Ed Case, Chair
House Committee On Hawaiian Affairs

FROM: Kali Watson, Chairman *Kali Watson*
Hawaiian Homes Commission

SUBJECT: Testimony On House Bill 1713 Relating to the Hawaiian
Homes Commission Act, 1920 As Amended

Chair Case and members of the House Committee On Hawaiian Affairs. We appreciate the opportunity to provide testimony on H.B. 1713 relating to the Hawaiian Homes Commission Act, 1920, as amended (HHCA).

This Administration Bill is a housekeeping measure which proposes amendments that are technical and nonsubstantive in nature. They involve, for the most part, the removal of brackets in the titles of various sections of the Act which were inserted when these sections were amended. The Attorney General has subsequently determined that these amendments do not require congressional consent. Section 223 is recommended for repeal because it is in conflict with section 5(h) of the Admission Act.

We urge your passage of H.B. 1713.

TO: COMMITTEE ON HAWAIIAN AFFAIRS

LATE TESTIMONY

FROM: JOJO TANIMOTO, PRESIDENT
KAWAIIHAE HAWAIIAN HOMES HOMEOWNERS
COMMUNITY ASSOCIATION
P.O. BOX 44337
KAWAIIHAE, HI 96743
PHONE: (808) 326-7182 (O)/FAX

DATE: FEBRUARY 6, 1997

RE: H.B. 1713, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.
REQUEST TO DELAY DECISION ON THIS BILL.

KHRECA respectfully requests this Committee to delay decision on this Bill until the beneficiaries of the Hawaiian Homes Commission Act, on the neighbor islands have received copies for Section 201, 250, and 223 are received for evaluation.

Also, we are not aware what changes are being made to Sections 204.5, 250, 206, 210, 211, 213.5, 215, 217 and 227.

I spent two days at the Waimea District Office of the Department of Hawaiian Home Lands to review the Commission Minutes and Agenda for 1996, and we are not aware of any public hearing or representation from our Commissioner in regards to these Sections.

If there must be changes to the Hawaiian Homes Commission Act, therefore the Administrative Rules and Regulations, we beneficiaries and lessees must be informed because we are the ones that must live by these standards.

At this time, we are not aware if these Changes are efficient or adverse to our quality of life. We want the opportunity to review them and we ask for your assistance by delaying this discussion. We have been in contact with the Committee Clerk for these copies.

Thank you. We await your reply.

Lela M. Hubbard
99-407 Aiea Hgts. Dr.
Aiea, HI 96701
Feb. 6, 1997

TESTIMONY ON SB 1713/ S1540

OPPOSE

This, overall, is a dangerous bill for native Hawaiians. Sec. 3, page 5, permits the sale of Ceded Lands if DHHL fails to ask for the lands or it permits "Available lands shall be sold or leased..." Please delete the new language and return to the old.

Section 4 gives the governor and DLNR power to control DHHL lands. Please return to the original language.

Sec. 6 In this state millions of dollars have been lost in Special Fund Accounts. How will the native Hawaiians know that their money is not being filtered out to greedy individuals. There needs to be a minimum of accounts for the beneficiaries to watch.

Page 14, Sec 227 on Enterprise Zones needs to be amended so that in each business native Hawaiians should own 80% of the interest, and it should be written that the land can not be alienated for any reason; The land remains trust land.

The major reason for this bill is the repeal of Section 223. This is the only protection that native Hawaiians have---Congressional Oversight. Until the Hawaiian nation is a viable entity, this protection must remain or the Hawaiian Trust Lands will be endangered once again. The Territory and the State of Hawaii in the past and currently have never truly upheld the interest of the native Hawaiians. Who makes money from the Ceded Lands, the General Leases in this state, and the leases of Hawaiian Home Lands? NON_HAWAIIANS. Has the state done anything to raise the overall economic status of Hawaiians, particularly native Hawaiians? No. Most of the programs have been cursory. Why has the state never engaged in partnerships with DHHL and OHA to benefit the status of all---training programs so that Hawaiians would take over the business ultimately. Developments have benefited only private individuals, the anointed ones.

LATE TESTIMONY