

JAN 22 2010

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# A BILL FOR AN ACT

RELATING TO LANDS CONTROLLED BY THE STATE.

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

**PART I**

1  
2 SECTION 1. Section 205, Hawaiian Homes Commission Act,  
3 1920, as amended, is amended to read as follows:

4 **"§205. Sale or lease, limitations on.** (a) Available  
5 lands shall be sold or leased only:

6 (1) In the manner and for the purposes set out in this  
7 title; or

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

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

16 (b) Notwithstanding any other law to the contrary, the  
17 department may grant title to lands in fee simple to native  
18 Hawaiian lessees, subject to any conditions or qualifications as



1 determined by the department; provided that the department shall  
2 have the right of first refusal."

3 SECTION 2. Section 207, Hawaiian Homes Commission Act,  
4 1920, as amended, is amended by amending subsection (b) to read  
5 as follows:

6 "(b) The title to lands so leased [~~shall remain in the~~  
7 ~~State.~~] may be granted to the lessee in fee simple, as  
8 determined by the department; provided that the department shall  
9 have the right of first refusal. Applications for tracts shall  
10 be made to and granted by the department, under such  
11 regulations, not in conflict with any provisions of this title,  
12 as the department may prescribe. The department shall, whenever  
13 tracts are available, enter into such a lease with any applicant  
14 who, in the opinion of the department, is qualified to perform  
15 the conditions of such lease."

16 SECTION 3. Section 207.5, Hawaiian Homes Commission Act,  
17 1920, as amended, is amended to read as follows:

18 "[~~+~~]**§207.5.**[~~+~~] **Housing development.** The department is  
19 authorized to develop and construct single-family and  
20 multifamily units for housing native Hawaiians[~~-~~] and make those  
21 units available in fee simple for native Hawaiians; provided  
22 that the department shall have the right of first refusal. The



1 method of disposition, including rentals, as well as the terms,  
2 conditions, covenants, and restrictions as to the use and  
3 occupancy of such single-family and multifamily units shall be  
4 prescribed by rules adopted by the department pursuant to  
5 chapter 91."

6 SECTION 4. The provisions of the amendments made by this  
7 part 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 **PART II**

16 SECTION 5. (a) Notwithstanding section 171-99, Hawaii  
17 Revised Statutes, the board of land and natural resources may  
18 transfer to every existing occupier or lessee of a homestead  
19 lease title to the lands in fee simple for below fair market  
20 value. Any other applicable terms and conditions enumerated in  
21 section 171-99, Hawaii Revised Statutes, shall remain in effect.



1 (b) If the board of land and natural resources agrees to  
2 transfer fee title for minimal or no compensation, the occupier  
3 or lessee shall be responsible for any costs related to the  
4 transfer of the title.

5 (c) For the purposes of this section, "homestead lease"  
6 means the same as defined in section 171-97, Hawaii Revised  
7 Statutes.

8 (d) The board of land and natural resources may exercise  
9 the authority provided in this section until the close of  
10 business on December 31, 2013.

11 (e) Regardless of whether the title has been transferred,  
12 any agreement to transfer title under the authority of this  
13 section shall be valid if made prior to December 31, 2013;  
14 provided that all terms and conditions of the agreement are met.

15 (f) The board of land and natural resources shall submit a  
16 report on the progress of the dispositions to the legislature no  
17 later than twenty days prior to the convening of the 2012  
18 regular session, and shall submit a final report to the  
19 legislature no later than twenty days prior to the convening of  
20 the 2014 regular session.

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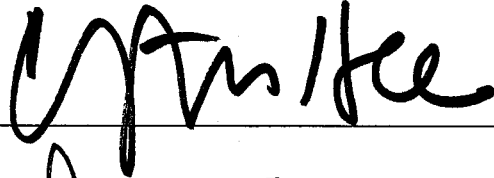
**PART III**

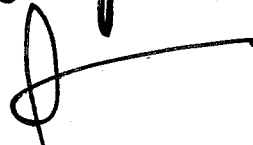
1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:





Rosalyn D. Baker



**Report Title:**

Native Hawaiians; Homestead Lease; Fee Simple; Transfer of Title

**Description:**

Authorizes the department of Hawaiian home lands and the board of land and natural resources to transfer title in fee simple to lessees of homestead lands.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

