
A BILL FOR AN ACT

RELATING TO THE QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE
HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

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

1 SECTION 1. Section 209 of the Hawaiian Homes Commission
2 Act, 1920, as amended, is amended by amending subsection (a) to
3 read as follows:
4 "(a) Upon the death of the lessee, the lessee's interest
5 in the tract or tracts and the improvements thereon, including
6 growing crops and aquacultural stock (either on the tract or in
7 any collective contract or program to which the lessee is a
8 party by virtue of the lessee's interest in the tract or
9 tracts), shall vest in the relatives of the decedent as provided
10 in this paragraph. From the following relatives of the lessee
11 who are (1) at least [~~one-quarter~~] one-thirty-second Hawaiian,
12 husband, wife, children, grandchildren, brothers, or sisters, or
13 (2) native Hawaiian, father and mother, widows or widowers of
14 the children, widows or widowers of the brothers and sisters, or
15 nieces and nephews,--the lessee shall designate the person or
16 persons to whom the lessee directs the lessee's interest in the
17 tract or tracts to vest upon the lessee's death. The Hawaiian



1 blood requirements shall not apply to the descendants of those
 2 who are not native Hawaiians but who were entitled to the leased
 3 lands under section 3 of the Act of May 16, 1934 (48 Stat. 777,
 4 779), as amended, or under section 3 of the Act of July 9, 1952
 5 (66 Stat. 511, 513). In all cases that person or persons need
 6 not be eighteen years of age. The designation shall be in
 7 writing, may be specified at the time of execution of the lease
 8 with a right in the lessee in similar manner to change the
 9 beneficiary at any time and shall be filed with the department
 10 and approved by the department in order to be effective to vest
 11 the interests in the successor or successors so named.

12 In case of the death of any lessee, except as hereinabove
 13 provided, who has failed to specify a successor or successors as
 14 approved by the department, the department may select from only
 15 the following qualified relatives of the decedent:

- 16 (1) Husband or wife; or
- 17 (2) If there is no husband or wife, then the children; or
- 18 (3) If there is no husband, wife, or child, then the
 19 grandchildren; or
- 20 (4) If there is no husband, wife, child, or grandchild,
 21 then brothers or sisters; or



1 (5) If there is no husband, wife, child, grandchild,
 2 brother, or sister, then from the following relatives
 3 of the lessee who are native Hawaiian: father and
 4 mother, widows or widowers of the children, widows or
 5 widowers of the brothers and sisters, or nieces and
 6 nephews.

7 The rights to the use and occupancy of the tract or tracts may
 8 be made effective as of the date of the death of the lessee.

9 In the case of the death of a lessee leaving no designated
 10 successor or successors, husband, wife, children, grandchildren,
 11 or relative qualified to be a lessee of Hawaiian home lands, the
 12 land subject to the lease shall resume its status as unleased
 13 Hawaiian home lands and the department is authorized to lease
 14 the land to a native Hawaiian as provided in this Act.

15 Upon the death of a lessee who has not designated a
 16 successor and who leaves a spouse not qualified to succeed to
 17 the lease or children not qualified to succeed to the lease, or
 18 upon the death of a lessee leaving no relative qualified to be a
 19 lessee of Hawaiian home lands, or the cancellation of a lease by
 20 the department, or the surrender of a lease by the lessee, the
 21 department shall appraise the value of all the improvements and



1 growing crops or improvements and aquacultural stock, as the
2 case may be, and shall pay to the nonqualified spouse or the
3 nonqualified children as the lessee shall have designated prior
4 to the lessee's death, or to the legal representative of the
5 deceased lessee, or to the previous lessee, as the case may be,
6 the value thereof, less any indebtedness to the department, or
7 for taxes, or for any other indebtedness the payment of which
8 has been assured by the department, owed by the deceased lessee
9 or the previous lessee. These payments shall be made out of the
10 Hawaiian home loan fund and shall be considered an advance
11 therefrom and shall be repaid by the successor or successors to
12 the tract involved. If available cash in the Hawaiian home loan
13 fund is insufficient to make these payments, payments may be
14 advanced from the Hawaiian home general loan fund and shall be
15 repaid by the successor or successors to the tract involved;
16 provided that any repayment for advances made from the Hawaiian
17 home general loan fund shall be at the interest rate established
18 by the department for loans made from the Hawaiian home general
19 loan fund. The successor or successors may be required by the
20 commission to obtain private financing in accordance with



1 section 208(6) to pay off the amount advanced from the Hawaiian
2 home loan fund or Hawaiian home general loan fund."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval
6 and with the consent of Congress.

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Report Title:

Hawaiian Homes Commission Act; Hawaiian Home Lands; Lease
Successors; Blood Quantum

Description:

Lowers to one-thirty-second Hawaiian the blood quantum required
by a homestead lessee's husband, wife, children, grandchildren,
brothers, or sisters in order to succeed to the lessee's lease.
Requires Congressional approval. (SD1)

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