
A BILL FOR AN ACT

RELATING TO HAWAIIAN HOME LANDS.

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

1 SECTION 1. The legislature finds that in 1921, Prince
2 Jonah Kuhio Kalanianaʻole authorized an act of Congress, the
3 Hawaiian Homes Commission Act, that promised two hundred three
4 thousand acres of land to restore land and dignity to native
5 Hawaiians. Nearly one hundred years later, only approximately
6 nine thousand seven hundred homesteads have been opened and over
7 twenty-seven thousand native Hawaiians are still on the waitlist
8 for leases.

9 The legislature further finds that the number of native
10 Hawaiians still on the waitlist for leases is of serious concern
11 to the State and, thus, the State would like to give native
12 Hawaiians an opportunity to purchase lands in fee simple.

13 The purpose of this Act is to amend the Hawaiian Homes
14 Commission Act to:

- 15 (1) Authorize the department of Hawaiian home lands to
16 sell tracts of Hawaiian home lands to native Hawaiians
17 in fee simple; and



(2) Provide the department with the first right of purchase if a subsequent purchaser of the land is not native Hawaiian.

SECTION 2. Section 203, Hawaii Revised Statutes, is amended to read as follows:

"§203. Certain public lands designated "available lands."

All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, or sold pursuant to section 207, are hereby designated, and hereinafter referred to, as "available lands":

(1) On the island of Hawaii: Kamaoa-Puueo (eleven thousand acres, more or less), in the district of Kau; Puukapu (twelve thousand acres, more or less), Kawaihae 1 (ten thousand acres, more or less), and Pauahi (seven hundred and fifty acres, more or less), in the district of South Kohala; Kamoku-Kapulena (five thousand acres, more or less), Waimanu (two hundred acres, more or less), Nienie (seven thousand three hundred and fifty acres, more or less), in the district of Hamakua; fifty-three



1 thousand acres to be selected by the department from the lands
2 of Humuula Mauka, in the district of North Hilo; Panaewa,
3 Waiakea (two thousand acres, more or less), Waiakea-kai, or
4 Keaukaha (two thousand acres, more or less), and two thousand
5 acres of agricultural lands to be selected by the department
6 from the lands of Piihonua, in the district of South Hilo; and
7 two thousand acres to be selected by the department from the
8 lands of Kaohe-Makuu, in the district of Puna; land at Keaukaha,
9 Hawaii, more particularly described as follows:

10
11 **PARCEL I**

12
13 Now set aside as Keaukaha Beach Park by Executive Order
14 Numbered 421, and being a portion of the Government land at
15 Waiakea, South Hilo, Hawaii.

16 Beginning at the southeast corner of this parcel of land,
17 on the north side of Kalanianaʻole Road, the coordinates of said
18 point of beginning referred to Government survey triangulation
19 station "Halai" being five thousand six hundred and eighty-one
20 and twelve one-hundredths feet north and seventeen thousand nine
21 hundred and thirty-three and fifteen one-hundredths feet east,



1 as shown on Government Survey Registered Map Numbered 2704, and
2 running by true azimuths.

3 1. Sixty-one degrees fifty-eight minutes one thousand
4 three hundred and fifty-one and seventy-three one-hundredths
5 feet along the north side of Kalanianaʻole Road (fifty feet
6 wide);

7 2. One hundred and fifty-one degrees fifty-eight minutes
8 eight hundred and forty feet along United States military
9 reservation for river and harbor improvements (Executive Order
10 Numbered 176);

11 Thence along the seashore at high-water mark, the direct
12 azimuths and distances between points at seashore being:

13 3. Two hundred and eighty-two degrees no minutes four
14 hundred and sixty-eight and fifty one-hundredths feet;

15 4. Three hundred and thirteen degrees twenty minutes four
16 hundred and forty-one feet;

17 5. Two hundred and sixty degrees twenty minutes one
18 hundred and forty feet;

19 6. Two hundred and forty-two degrees twenty minutes two
20 hundred and fifty feet;



1 7. One hundred and eighty-eight degrees forty minutes
2 sixty feet;

3 8. Two hundred and seventy-two degrees twenty minutes one
4 hundred and seventy feet;

5 9. Two hundred and five degrees no minutes sixty feet;

6 10. One hundred and ten degrees twenty minutes two hundred
7 and twenty feet;

8 11. Ninety degrees fifty minutes eighty feet;

9 12. One hundred and sixty-two degrees no minutes one
10 hundred and seventy feet;

11 13. Two hundred and fifty degrees thirty minutes four
12 hundred and thirty feet;

13 14. Three hundred and thirty-one degrees fifty-eight
14 minutes three hundred and eighty feet along parcel II of
15 Government land to the point of beginning and containing an area
16 of eleven and twenty one-hundredths acres, more or less.

17

18 **PARCEL II**

19



1 Being a portion of the Government land of Waiakea, South
2 Hilo, Hawaii, and located on the north side of Kalanianaʻole Road
3 and adjoining parcel I, hereinbefore described.

4 Beginning at the south corner of this parcel of land, on
5 the north side of Kalanianaʻole Road, the coordinates of said
6 point of beginning referred to Government survey triangulation
7 station "Halai," being five thousand six hundred and eighty-one
8 and twelve one-hundredths feet north and seven thousand nine
9 hundred and thirty-three and fifteen one-hundredths feet east
10 and running by true azimuths:

11 1. One hundred and fifty-one degrees fifty-six minutes
12 three hundred and eighty feet along the east boundary of parcel
13 I;

14 2. Two hundred and twenty-nine degrees forty-five minutes
15 thirty seconds one hundred and ninety-one and one one-hundredths
16 feet;

17 3. One hundred and ninety-eight degrees no minutes two
18 hundred and thirty feet to a one-and-one-half inch pipe set in
19 concrete;



1 4. Three hundred and seven degrees thirty-eight minutes
2 five hundred and sixty-two and twenty-one one-hundredths feet to
3 a one-and-one-half inch pipe set in concrete;

4 5. Twenty-eight degrees no minutes one hundred and twenty-
5 one and thirty-seven one-hundredths feet to the north side of
6 Kalanianaʻole Road;

7 6. Sixty-one degrees fifty-eight minutes four hundred and
8 eighty-three and twenty-two one-hundredths feet along the north
9 side of Kalanianaʻole Road to the point of beginning and
10 containing an area of five and twenty-six one-hundredths acres,
11 more or less.

12 (2) On the island of Maui: Kahikinui (twenty-five
13 thousand acres, more or less) in the district of Kahikinui, and
14 the public lands (six thousand acres, more or less) in the
15 district of Kula;

16 (3) On the island of Molokai: Palaau (eleven thousand
17 four hundred acres, more or less), Kapaakea (two thousand acres,
18 more or less), Kalamaula (six thousand acres, more or less),
19 Hoolehua (three thousand five hundred acres, more or less),
20 Kamiloloa I and II (three thousand six hundred acres, more or



1 less), and Makakupaia (two thousand two hundred acres, more or
2 less) and Kalaupapa (five thousand acres, more or less);

3 (4) On the island of Oahu: Nanakuli (three thousand
4 acres, more or less), and Lualualei (two thousand acres, more or
5 less), in the District of Waianae; and Waimanalo (four thousand
6 acres, more or less), in the District of Koolau, excepting
7 therefrom the military reservation and the beach lands; and
8 those certain portions of the lands of Auwaiolimu, Kewalo, and
9 Kalawahine described by metes and bounds as follows, to-wit:

10 (I) Portion of the Government land at Auwaiolimu,
11 Punchbowl Hill, Honolulu, Oahu, described as follows:

12 Beginning at a pipe at the southeast corner of this tract
13 of land, on the boundary between the lands of Kewalo and
14 Auwaiolimu, the coordinates of said point of beginning referred
15 to Government Survey triangulation station "Punchbowl," being
16 one thousand one hundred and thirty-five and nine-tenths feet
17 north and two thousand five hundred and fifty-seven and eight-
18 tenths feet east as shown on Government Survey Registered Map
19 Numbered 2692, and running by true azimuths:



1 1. One hundred and sixty-three degrees thirty-one minutes
2 two hundred and thirty-eight and eight-tenths feet along the
3 east side of Punchbowl-Makiki Road;

4 2. Ninety-four degrees eight minutes one hundred and
5 twenty-four and nine-tenths feet across Tantalus Drive and along
6 the east side of Puowaina Drive;

7 3. One hundred and thirty-one degrees thirteen minutes two
8 hundred and thirty-two and five-tenths feet along a twenty-five
9 foot roadway;

10 4. One hundred and thirty-nine degrees fifty-five minutes
11 twenty and five-tenths feet along same;

12 5. One hundred and sixty-eight degrees seventeen minutes
13 two hundred and fifty-seven and eight-tenths feet along
14 Government land (old quarry lot);

15 6. One hundred and fifty-six degrees thirty minutes three
16 hundred and thirty-three feet along same to a pipe;

17 7. Thence following the old Auwaiolimu stone wall along
18 L.C. Award Numbered 3145, to Laenui, grant 5147 (lot 8 to C.W.
19 Booth), L.C. Award Numbered 1375, to Kapule, and L.C. Award
20 Numbered 1355, to Kekuanoni, the direct azimuth and distance



1 being two hundred and forty-nine degrees forty-one minutes one
2 thousand three hundred and three and five-tenths feet;

3 8. Three hundred and twenty-one degrees, twelve minutes,
4 six hundred and ninety-three feet along the remainder of the
5 land of Auwaiolimu;

6 9. Fifty-one degrees, twelve minutes, one thousand and
7 four hundred feet along the land of Kewalo to the point of
8 beginning, containing an area of twenty-seven acres, excepting
9 and reserving therefrom Tantalus Drive and Auwaiolimu Street
10 crossing this land.

11 (II) Portion of the land of Kewalo, Punchbowl Hill,
12 Honolulu, Oahu, being part of the lands set aside for the use of
13 the Hawaii Experiment Station of the United States Department of
14 Agriculture by proclamation of the Acting Governor of Hawaii,
15 dated June 10, 1901, and described as follows:

16 Beginning at the northeast corner of this lot, at a place
17 called "Puu Ea" on the boundary between the lands of Kewalo and
18 Auwaiolimu, the coordinates of said point of beginning referred
19 to Government survey triangulation station "Punchbowl," being
20 three thousand two hundred and fifty-five and six-tenths feet
21 north and five thousand two hundred and forty-four and seven-



1 tenths feet east, as shown on Government Survey Registered Map
2 Numbered 2692 of the State of Hawaii, and running by true
3 azimuths:

4 1. Three hundred and fifty-four degrees thirty minutes
5 nine hundred and thirty feet along the remainder of the land of
6 Kewalo, to the middle of the stream which divides the lands of
7 Kewalo and Kalawahine;

8 2. Thence down the middle of said stream along the land of
9 Kalawahine, the direct azimuth and distance being forty-nine
10 degrees sixteen minutes one thousand five hundred and twelve and
11 five-tenths feet;

12 3. One hundred and forty-one degrees twelve minutes eight
13 hundred and sixty feet along the remainder of the land of
14 Kewalo;

15 4. Two hundred and thirty-one degrees twelve minutes five
16 hundred and fifty-two and six-tenths feet along the land of
17 Auwaiolimu to "PUU IOLE";

18 5. Thence still along the said land of Auwaiolimu
19 following the top of the ridge to the point of beginning, the
20 direct azimuth and distance being two hundred and thirty-two
21 degrees twenty-six minutes one thousand four hundred and seventy



1 feet and containing an area of thirty acres; excepting and
2 reserving therefrom Tantalus Drive crossing this land;

3 (III) Portion of the land of Kalawahine makai of Tantalus
4 Drive consisting of twelve acres, more or less, said parcel
5 described more specifically in tax map key 2-4-34-8, which
6 includes certain parcels adjoining the Ewa portion of Kalawahine
7 Place currently occupied by short-term land dispositions if the
8 persons residing on those parcels meet the qualifications
9 established by the Legislature of the State of Hawaii and elect
10 to have the land under their homes transferred to the
11 department, and certain portions of the Ewa portion of the
12 parcel, but excluding the hillside side portions of the
13 southeast parcel, with metes and bounds designated by the
14 department and approved by the department of land and natural
15 resources; provided that persons now residing on portion of the
16 land described, be given first opportunity to lease the lands on
17 which they now reside, for a term of 99 years, whether or not
18 they be native Hawaiians as defined in the Hawaiian Homes
19 Commission Act of 1920, as amended.



(IV) Portion of the Hawaii Experiment Station under the control of the United States Department of Agriculture, situated on the northeast side of Auwaiolimu Street.

KEWALO-UKA, HONOLULU, OAHU

Being a portion of the land of Kewalo-uka conveyed by the Territory of Hawaii to the United States of America by proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901, and August 16, 1901, and a portion of the United States Navy Hospital reservation described in Presidential Executive Order Numbered 1181, dated March 25, 1910.

Beginning at the west corner of this parcel of land, on the Auwaiolimu-Kewalo-uka boundary and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl," being one thousand two hundred and thirty and fifty-eight one-hundredths feet north and two thousand six hundred and seventy-five and six one-hundredths feet east as shown on Government



1 Survey Registered Map Numbered 2985 and running by azimuths
2 measured clockwise from true south:

3 1. Two hundred and thirty-one degrees twelve minutes one
4 thousand two hundred and forty-eight and twenty-six one-
5 hundredths feet along the land of Auwaiolimu;

6 2. Three hundred and twenty-one degrees twelve minutes
7 eight hundred and sixty feet along Hawaiian home land as
8 described in Presidential Executive Order Numbered 5561;

9 3. Thence down along the middle of stream in all its turns
10 and windings along the land of Kalawahine to the north corner of
11 Roosevelt High School lot, the direct azimuth and distance being
12 thirty-three degrees forty-eight minutes forty seconds one
13 thousand one hundred and twelve and twenty one-hundredths feet;

14 Thence still down along the middle of stream for the next
15 seven courses along the Roosevelt High School premises, the
16 direct azimuth and distances between points in middle of said
17 stream being:

18 4. Twenty-three degrees forty minutes twenty-eight and
19 ninety one-hundredths feet;

20 5. Eight degrees no minutes one hundred and fifteen feet;



1 6. Three hundred and thirty-seven degrees fifty minutes
2 forty-eight feet;

3 7. Two degrees thirty minutes sixty feet;

4 8. Forty-nine degrees forty minutes fifty-two feet;

5 9. Forty-six degrees six minutes ninety and seventy one-
6 hundredths feet;

7 10. Ninety-two degrees forty-three minutes ninety-five and
8 sixty one-hundredths feet; thence

9 11. Eighty-three degrees thirty-eight minutes seventy-one
10 and sixty-three one-hundredths feet along state land to the
11 northeast side of Auwaiolimu Street;

12 12. Thence on a curve to the left with a radius of one
13 thousand one hundred and seventy-six and twenty-eight one-
14 hundredths feet along the northeast side of Auwaiolimu Street
15 along land described in Presidential Executive Order Numbered
16 1181, dated March 25, 1910, the direct azimuth and distance
17 being one hundred and seventy-two degrees twenty-nine minutes
18 thirty-five seconds one hundred and sixty-four and thirty-nine
19 one-hundredths feet;

20 13. Thence continuing on a curve to the left with a radius
21 of one thousand one hundred and seventy-six and twenty-eight



1 one-hundredths feet along the northeast side of Auwaiolimu
2 Street, the direct azimuth and distance being one hundred and
3 sixty degrees fifty minutes forty-eight seconds three hundred
4 and twelve and seventy-five one-hundredths feet;

5 14. Two hundred and twenty-four degrees fifty-three minutes
6 six hundred and seventy and sixty-five one-hundredths feet along
7 the Quarry Reservation (State of Hawaii, owner);

8 15. One hundred and ten degrees six minutes two hundred and
9 thirty-nine and twenty one-hundredths feet along same;

10 16. Ninety-two degrees five minutes two hundred and two and
11 twenty one-hundredths feet along same;

12 17. Fifty-three degrees twenty minutes three hundred and
13 forty and thirty-four one-hundredths feet along same;

14 18. One hundred and forty-two degrees thirty minutes four
15 hundred and twenty-four and sixty-eight one-hundredths feet
16 along the northeast side of Auwaiolimu Street to the point of
17 beginning and containing an area of twenty-seven and ninety one-
18 hundredths acres; excepting and reserving therefrom that certain
19 area included in Tantalus Drive, crossing this land.

20 (V) Portion of Kewalo-uka Quarry Reservation. Situate on
21 the northeast side of Auwaiolimu Street.



KEWALO-UKA, HONOLULU, OAHU

Being land reserved by the State of Hawaii within the Hawaii Experiment Station under the control of the United States Department of Agriculture, as described in proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901.

Beginning at the northwest corner of this parcel of land and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl," being eight hundred and ninety-three and sixty-six one-hundredths feet north and two thousand nine hundred and thirty-three and fifty-nine one-hundredths feet east as shown on Government Survey Registered Map Numbered 2985 and running by azimuths measured clockwise from true south:

1. Two hundred and thirty-three degrees twenty minutes three hundred and forty and thirty-four one-hundredths feet along the Hawaii Experiment Station under the control of the United States Department of Agriculture;



1 2. Two hundred and seventy-two degrees five minutes two
2 hundred and two and twenty one-hundredths feet along same;

3 3. Two hundred and ninety degrees six minutes two hundred
4 and thirty-nine and twenty one-hundredths feet along same;

5 4. Forty-four degrees fifty-three minutes six hundred and
6 seventy and sixty-five one-hundredths feet along same to the
7 northeast side of Auwaiolimu Street;

8 5. Thence on a curve to the left with a radius of one
9 thousand one hundred and seventy-six and twenty-eight one-
10 hundredths feet along the northeast side of Auwaiolimu Street,
11 the direct azimuth and distance being one hundred and forty-
12 seven degrees fifty-one minutes thirteen seconds two hundred and
13 nineteen and fifty one-hundredths feet;

14 6. One hundred and forty-two degrees thirty minutes one
15 hundred and thirty-four and fifty-five one-hundredths feet along
16 the northeast side of Auwaiolimu Street;

17 7. Two hundred and thirty-two degrees thirty minutes
18 twenty feet along same;

19 8. One hundred and forty-two degrees thirty minutes
20 seventy-one and fifty-seven one-hundredths feet along same to



1 the point of beginning and containing an area of four and six
2 hundred and forty-six one-thousandths acres.

3 (VI) Being a portion of government land of Auwaiolimu,
4 situated on the northeast side of Hawaiian home land of
5 Auwaiolimu and adjacent to the land of Kewalo-uka at Pauoa
6 Valley, Honolulu, Oahu, State of Hawaii. Beginning at a pipe in
7 concrete at the south corner of this parcel of land, being also
8 the east corner of Hawaiian home land, the coordinates of said
9 point of beginning referred to Government Survey Triangulation
10 Station "Punchbowl," being two thousand twelve and seventy-five
11 one-hundredths feet south and three thousand six hundred forty-
12 seven and eighty-seven one-hundredths feet east, and thence
13 running by azimuths measured clockwise from true south:

14 1. One hundred and forty-one degrees twelve minutes six
15 hundred and ninety-three feet along Hawaiian home land;

16 2. Thence along middle of stone wall along L.C.Aw. 1356 to
17 Kekuanoni, Grant 5147, Apana 1 to C.W.Booth, L.C.Aw. 1351 to
18 Kamakainau, L.C.Aw. 1602 to Kahawai, Grant 4197 to Keauloa,
19 L.C.Aw. 5235 to Kaapuiki and Grant 2587 to Haalelea;



1 3. Two hundred and ninety-five degrees thirty minutes
2 three hundred and twenty feet along the remainder of government
3 land of Auwaiolimu;

4 4. Twenty-four degrees sixteen minutes thirty seconds one
5 thousand five hundred seventy-nine and thirty-six one-hundredths
6 feet along the remainder of government land of Auwaiolimu;

7 5. Thence along middle of ridge along the land of Kewalo-
8 uka to a point called "Puu Iole" (pipe in concrete monument),
9 the direct azimuth and distance being fifty-six degrees no
10 minutes eight hundred and thirty feet;

11 6. Fifty-two degrees twelve minutes five hundred fifty-two
12 and sixty one-hundredths feet along the land of Kewalo-uka to
13 the point of beginning and containing an area of thirty-three
14 and eighty-eight one-hundredths acres, more or less.

15 (VII) Being portions of government lands of Kewalo-uka and
16 Kalawahine situated on the east side of Tantalus Drive at Pauoa
17 Valley, Honolulu, Oahu, State of Hawaii. Beginning at the west
18 corner of this parcel of land, the true azimuth and distance to
19 a point called "Puu Ea" (pipe in concrete monument) being one
20 hundred and seventy-four degrees thirty minutes four hundred one
21 and ninety-nine one-hundredths feet, the coordinates of said



1 point of beginning referred to Government Survey Triangulation
2 Station "Punchbowl" being two thousand eight hundred fifty-five
3 and ten one-hundredths feet north and five thousand two hundred
4 eighty-two and twenty-five one-hundredths feet east and thence
5 running by azimuths measured clockwise from true south:

6 1. Two hundred and forty-eight degrees nineteen minutes
7 forty seconds eight hundred fifty and fifty-four one-hundredths
8 feet along the land of Kewalo-uka;

9 2. Sixteen degrees thirty minutes five hundred feet along
10 the land of Kewalo-uka, along the land of Kalawahine;

11 3. Twenty-five degrees no minutes five hundred feet along
12 the land of Kalawahine;

13 4. Thirty-five degrees no minutes three hundred and twenty
14 feet along the land of Kalawahine;

15 5. Fifty degrees forty-six minutes ninety-six and seventy
16 one-hundredths feet along Makiki Forest Ridge lots;

17 6. Seventy-three degrees twenty minutes two hundred fifty-
18 five and ninety one-hundredths feet along Makiki Forest Ridge
19 lots;



1 7. Eighty-six degrees thirty-two minutes one hundred
2 sixty-three and forty one-hundredths feet along Makiki Forest
3 Ridge lots;

4 8. Thence along the south side of Tantalus Drive on a
5 curve to the right with a radius of two hundred and seventy
6 feet, the direct azimuth and distance being two hundred and
7 twenty-one degrees twelve minutes nineteen seconds ninety-eight
8 and thirty-six one-hundredths feet;

9 9. Two hundred and thirty-one degrees forty-two minutes
10 one hundred ninety-three and thirty-five one-hundredths feet
11 along the south side of Tantalus Drive;

12 10. Still along Tantalus Drive on a curve to the left with
13 a radius of one hundred eighty and seventy-eight one-hundredths
14 feet, the direct azimuth and distance being one hundred and
15 eighty-one degrees forty-five minutes fifty-five seconds two
16 hundred seventy-six and seventy-two one-hundredths feet;

17 11. Two hundred and forty-two degrees fifteen minutes
18 sixty-two and thirty-two one-hundredths feet along the land of
19 Kewalo-uka;

20 12. One hundred and seventy-four degrees thirty minutes
21 five hundred twenty-eight and one one-hundredths feet along the



1 land of Kewalo-uka to the point of beginning and containing an
2 area of five hundred and seventy-four thousand seven hundred and
3 thirty square feet or thirteen and one hundred ninety-four one-
4 thousandths acres.

5 (5) On the island of Kauai: Upper land of Waimea, above
6 the cultivated sugar cane lands, in the district of Waimea
7 (fifteen thousand acres, more or less); and Moloaa (two thousand
8 five hundred acres, more or less), and Anahola and Kamalomalo
9 (five thousand acres, more or less).

10 Wailuku, Maui: That parcel of government land, situate in
11 the District of Wailuku, Island and County of Maui, comprising
12 twelve and four hundred and fifty-five one-thousandths acres of
13 the ILI OF KOU and being a portion of the land covered by
14 General Lease Numbered 2286 to Wailuku Sugar Company, Limited,
15 notwithstanding the fact that said parcel is cultivated sugar
16 cane land, subject, however, to the terms of said lease.

17 Cultivated Sugar Cane Lands: That parcel of Anahola,
18 Island of Kauai, comprising four hundred and one and four
19 hundred and twenty-three one-thousandths acres, hereinafter
20 described and being portion of the land covered by general lease
21 numbered 2724 to the Lihue Plantation Company, Limited,



1 notwithstanding the fact that said parcel is cultivated sugar
2 cane land, subject however, to the terms of said lease, said
3 parcel being more particularly described as follows:

4 Being a portion of land described in general lease numbered
5 2724 to the Lihue Plantation Company situate in the district of
6 Anahola, Kauai, State of Hawaii, beginning at the northwest
7 corner of this parcel of land, the coordinates of which referred
8 to government triangulation station south base are three
9 thousand and forty-nine and sixty-two one-hundredths feet south,
10 one thousand nine hundred and thirty-two and twenty-five one-
11 hundredths feet west, and running thence by azimuths measured
12 clockwise from true south two hundred and eighty-four degrees
13 thirty minutes two hundred and fifty feet, thence on the arc of
14 circular curve to the left, with a radius of eight hundred and
15 ninety feet and a central angle of thirty-five degrees fifteen
16 minutes, the direct azimuth and distance being two hundred and
17 sixty-six degrees fifty-two minutes thirty seconds five hundred
18 and thirty-eight and ninety-six one-hundredths feet, thence two
19 hundred and forty-nine degrees fifteen minutes one thousand
20 eight hundred and nine and twenty-five one-hundredths feet,
21 thence two hundred and twenty-four degrees fifteen minutes three



1 thousand fifty-six feet, thence one hundred and thirty-four
2 degrees fifteen minutes two hundred and seven feet, to the
3 seashore at Anahola Bay, thence along the seashore around Kahala
4 Point, the direct azimuth and distance being two hundred and
5 thirty-seven degrees six minutes seven seconds one thousand and
6 sixty and fourteen one-hundredths feet, thence along the
7 seashore, the direct azimuth and distance being three hundred
8 and thirty-two degrees no minutes one thousand eight hundred and
9 twenty-seven feet, thence along the seashore, the direct azimuth
10 and distance being three hundred and fifty-five degrees no
11 minutes one thousand eight hundred and twenty-seven feet, thence
12 eighty-seven degrees twenty minutes seven hundred and forty
13 feet, thence fifty-nine degrees no minutes two thousand seven
14 hundred and fifteen feet, thence sixty-nine degrees fifteen
15 minutes one thousand eight hundred and eighty-seven and thirty-
16 six one-hundredths feet, thence on the arc of a circular curve
17 to the right with a radius of three thousand and twelve feet,
18 and a central angle of thirty-five degrees fifteen minutes the
19 direct azimuth and distance being eighty-six degrees fifty-two
20 minutes thirty seconds one thousand eight hundred and twenty-
21 three and ninety-eight one-hundredths feet, thence one hundred



1 and four degrees thirty minutes two hundred and fifty feet,
2 thence one hundred and ninety-four degrees thirty minutes one
3 thousand and thirty-one feet, thence on the arc of a circular
4 curve to the left with a radius of six hundred and seven and
5 ninety-five one-hundredths feet and a central angle of fifty-
6 three degrees three minutes thirty seconds the direct azimuth
7 and distance being seventy-seven degrees fifty-eight minutes
8 fifteen seconds five hundred and forty-three and nine one-
9 hundredths feet to the government road, thence two hundred and
10 thirty-one degrees twenty-six minutes thirty seconds one hundred
11 and thirteen and sixty-one one-hundredths feet along the
12 government road, thence along the government road on the arc of
13 a circular curve to the left with a radius of four hundred and
14 seventy-seven feet and a central angle of forty-four degrees
15 twenty-six minutes thirty seconds, the direct azimuth and
16 distance being two hundred and nine degrees thirteen minutes
17 fifteen seconds three hundred and sixty and seventy-eight one-
18 hundredths feet, thence one hundred and eighty-seven degrees no
19 minutes one hundred and sixty-nine and fifty-four one-hundredths
20 feet along the government road, thence on the arc of a circular
21 curve to the left with a radius of three hundred and fifty-one



1 and eight one-hundredths feet and a central angle of eighty-two
2 degrees thirty minutes the direct azimuth and distance being
3 three hundred and twenty-five degrees forty-five minutes four
4 hundred and sixty-two and ninety-seven one-hundredths feet,
5 thence one hundred and ninety-four degrees thirty minutes five
6 hundred and seventy-nine feet, thence one hundred and four
7 degrees thirty minutes three hundred feet, thence one hundred
8 and ninety-four degrees thirty minutes two hundred feet, thence
9 two hundred eighty-four degrees thirty minutes three hundred
10 feet, thence one hundred and ninety-four degrees thirty minutes
11 two hundred and fifty-two feet to the point of beginning
12 containing an area of four hundred and one and four hundred and
13 twenty-three one-thousandths acres more or less."

14 SECTION 3. Section 204, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Upon the passage of this Act, all available lands
17 shall immediately assume the status of Hawaiian home lands and
18 be under the control of the department to be used and disposed
19 of in accordance with the provisions of this Act, except that:

20 (1) In case any available land is under lease by the
21 Territory of Hawaii, by virtue of section 73 of the



1 Hawaiian Organic Act, at the time of the passage of
2 this Act, such land shall not assume the status of
3 Hawaiian home lands until the lease expires or the
4 board of land and natural resources withdraws the
5 lands from the operation of the lease. If the land is
6 covered by a lease containing a withdrawal clause, as
7 provided in section 73(d) of the Hawaiian Organic Act,
8 the board of land and natural resources shall withdraw
9 such lands from the operation of the lease whenever
10 the department gives notice to the board that the
11 department is of the opinion that the lands are
12 required by it for the purposes of this Act; and such
13 withdrawal shall be held to be for a public purpose
14 within the meaning of that term as used in section
15 73(d) of the Hawaiian Organic Act[-];

16 (2) Any available land, including lands selected by the
17 department out of a larger area, as provided by this
18 Act, not leased or sold as authorized by section
19 207(a) of this Act, may be returned to the board of
20 land and natural resources as provided under section
21 212 of this Act, or may be retained for management by



1 the department. Any Hawaiian home lands general lease
2 issued by the department after June 30, 1985, shall
3 contain a withdrawal clause allowing the department to
4 withdraw the land leased at any time during the term
5 of the lease for the purposes of this Act.

6 In the management of any retained available lands
7 not required for leasing or sale under section 207(a),
8 the department may dispose of those lands or any
9 improvements thereon to the public, including native
10 Hawaiians, on the same terms, conditions,
11 restrictions, and uses applicable to the disposition
12 of public lands in chapter 171, Hawaii Revised
13 Statutes; provided that the department may not sell or
14 dispose of such lands in fee simple except as
15 authorized under section 205 of this Act; provided
16 further that the department is expressly authorized to
17 negotiate, [~~prior to~~] before negotiations with the
18 general public, the disposition of Hawaiian home lands
19 or any improvements thereon to a native Hawaiian, or
20 organization or association owned or controlled by
21 native Hawaiians, for commercial, industrial, or other



1 business purposes, in accordance with the procedures
2 set forth in chapter 171, Hawaii Revised Statutes;
3 provided further that in addition to dispositions made
4 pursuant to chapter 171, Hawaii Revised Statutes, the
5 department may lease by direct negotiation and at fair
6 market rents, and for a term not to exceed five years,
7 any improvements on Hawaiian home lands, or portions
8 thereof, that are owned or controlled by the
9 department[-]; and

10 (3) The department, with the approval of the Secretary of
11 the Interior, in order to consolidate its holdings or
12 to better effectuate the purposes of this Act, may
13 exchange the title to available lands for land,
14 privately or publicly owned, of an equal value. All
15 lands so acquired by the department shall assume the
16 status of available lands as though the land were
17 originally designated as available lands under section
18 203 of this Act, and all lands so conveyed by the
19 department shall assume the status of the land for
20 which it was exchanged. The limitations imposed by
21 section 73(1) of the Hawaiian Organic Act and the land



1 laws of Hawaii as to the area and value of land that
2 may be conveyed by way of exchange shall not apply to
3 exchanges made pursuant hereto. No such exchange of
4 land publicly owned by the State shall be made without
5 the approval of two-thirds of the members of the board
6 of land and natural resources. For the purposes of
7 this paragraph, lands "publicly owned" means land
8 owned by a county or the State or the United States."

9 SECTION 4. Section 207, Hawaii Revised Statutes, is
10 amended by its title and subsections (a) and (b) to read as
11 follows:

12 **"§207. Leases [~~to Hawaiians,~~] and sales of Hawaiian home**
13 **lands; department buy back; licenses.** (a) The department is
14 authorized to lease to native Hawaiians the right to the use and
15 occupancy of, or to sell to native Hawaiians in fee simple, a
16 tract or tracts of Hawaiian home lands within the following
17 acreage limits per each lessee[+] or purchaser:

18 (1) [~~not~~] No more than forty acres of agriculture lands or
19 lands used for aquaculture purposes; [~~or~~]



(2) [~~not~~] No more than one hundred acres of irrigated
pastoral lands and [~~not~~] no more than one thousand
acres of other pastoral lands; or

(3) [~~not~~] No more than one acre of any class of land to be
used as a residence lot;

provided that in the case of any existing lease of a farm lot in
the Kalanianaʻole Settlement on Molokai, a residence lot may
exceed one acre but shall not exceed four acres in area, the
location of such area to be selected by the department; provided
further that a lease or deed granted to any lessee or purchaser
may include two detached farm lots or aquaculture lots, as the
case may be, located on the same island and within a reasonable
distance of each other, one of which, to be designated by the
department, shall be occupied by the lessee or owner as the
lessee's or owner's home, the gross acreage of both lots not to
exceed the maximum acreage of an agricultural, pastoral, or
aquacultural lot, as the case may be, as provided in this
section. Any tract sold to a native Hawaiian shall be subject
to a recorded restrictive covenant that as a condition of the
parcel owner's resale of all or part of the tract, the owner
shall provide to the department information concerning the new



1 purchaser that the department shall by reasonable regulations
2 require, and if the department determines that the purchaser is
3 not a native Hawaiian, the department shall have the right to
4 purchase the tract for its fair market value determined at that
5 time by qualified appraisal. The process shall be conducted
6 pursuant to reasonable regulations adopted by the department
7 that shall include reasonable timetables for the department's
8 review, appraisal, and decision-making.

9 (b) The title to lands [se] leased shall remain in the
10 State. Applications for lease or purchase of tracts shall be
11 made to and granted by the department, under such regulations,
12 not in conflict with any provisions of this title, as the
13 department may prescribe. The department shall, whenever tracts
14 are available, enter into such a lease or deed with any
15 applicant who, in the opinion of the department, is qualified to
16 perform the conditions of [~~such lease.~~] this section."

17 SECTION 5. Section 209, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsection (a) to read:

20 "(a) Upon the death of the lessee, the lessee's interest
21 in the tract or tracts and the improvements thereon, including



1 growing crops and aquacultural stock [~~either~~], either on the
2 tract or in any collective contract or program to which the
3 lessee is a party by virtue of the lessee's interest in the
4 tract or tracts[+], shall vest in the relatives of the decedent
5 as provided in this paragraph. From the following relatives of
6 the lessee who are (1) at least one thirty-second Hawaiian,
7 spouse, children, grandchildren, brothers, or sisters, or (2)
8 native Hawaiian, father and mother, widows or widowers of the
9 children, widows or widowers of the brothers and sisters, or
10 nieces and nephews,--the lessee shall designate the person or
11 persons to whom the lessee directs the lessee's interest in the
12 tract or tracts to vest upon the lessee's death. The Hawaiian
13 blood requirements shall not apply to the descendants of those
14 who are not native Hawaiians but who were entitled to the leased
15 lands under section 3 of the Act of May 16, 1934 (48 Stat. 777,
16 779), as amended, or under section 3 of the Act of July 9, 1952
17 (66 Stat. 511, 513). In all cases that person or persons need
18 not be eighteen years of age. The designation shall be in
19 writing, may be specified at the time of execution of the lease
20 with a right in the lessee in similar manner to change the
21 beneficiary at any time and shall be filed with the department



1 and approved by the department in order to be effective to vest
2 the interests in the successor or successors so named.

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

7 (1) Spouse; [~~or~~]

8 (2) If there is no spouse, then the children; [~~or~~]

9 (3) If there is no spouse or child, then the

10 grandchildren; [~~or~~]

11 (4) If there is no spouse, child, or grandchild, then

12 brothers or sisters; or

13 (5) If there is no spouse, child, grandchild, brother, or

14 sister, then from the following relatives of the

15 lessee who are native Hawaiian: father and mother,

16 widows or widowers of the children, widows or widowers

17 of the brothers and sisters, or nieces and nephews.

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

20 In the case of the death of a lessee leaving no designated
21 successor or successors, spouse, children, grandchildren, or



1 relative qualified to be a lessee of Hawaiian home lands, the
2 land subject to the lease shall resume its status as unleased
3 Hawaiian home lands and the department is authorized to lease or
4 sell the land to a native Hawaiian as provided in this Act.

5 Upon the death of a lessee who has not designated a
6 successor and who leaves a spouse not qualified to succeed to
7 the lease or children not qualified to succeed to the lease, or
8 upon the death of a lessee leaving no relative qualified to be a
9 lessee of Hawaiian home lands, or the cancellation of a lease by
10 the department, or the surrender of a lease by the lessee, the
11 department shall appraise the value of all the improvements and
12 growing crops or improvements and aquacultural stock, as the
13 case may be, and shall pay to the nonqualified spouse or the
14 nonqualified children as the lessee shall have designated [~~prior~~
15 ~~to~~] before the lessee's death, or to the legal representative of
16 the deceased lessee, or to the previous lessee, as the case may
17 be, the value thereof, less any indebtedness to the department,
18 or for taxes, or for any other indebtedness the payment of which
19 has been assured by the department, owed by the deceased lessee
20 or the previous lessee. These payments shall be made out of the
21 Hawaiian home loan fund and shall be considered an advance



1 therefrom and shall be repaid by the successor or successors to
2 the tract involved. If available cash in the Hawaiian home loan
3 fund is insufficient to make these payments, payments may be
4 advanced from the Hawaiian home general loan fund and shall be
5 repaid by the successor or successors to the tract involved;
6 provided that any repayment for advances made from the Hawaiian
7 home general loan fund shall be at the interest rate established
8 by the department for loans made from the Hawaiian home general
9 loan fund. The successor or successors may be required by the
10 commission to obtain private financing in accordance with
11 section 208(6) to pay off the amount advanced from the Hawaiian
12 home loan fund or Hawaiian home general loan fund."

13 2. By amending subsection (d) to read:

14 "(d) After the cancellation of a lease by the department
15 in accordance with sections 210 and 216 of this title, or the
16 surrender of a lease by a lessee, the department may transfer
17 the lease ~~[or]~~, issue a new lease, or sell the Hawaiian home
18 lands pursuant to section 207 to any qualified native Hawaiian
19 regardless of whether or not that person is related in any way
20 by blood or marriage to the previous lessee."



SECTION 6. Section 212, Hawaii Revised Statutes, is amended to read as follows:

"§212. Lands returned to control of board of land and natural resources. The department may return any Hawaiian home lands not leased or sold as authorized by the provisions of section 207 of this Act to the control of the board of land and natural resources. Any Hawaiian home lands so returned shall, until the department gives notice as hereinafter in this section provided, resume and maintain the status of public lands in accordance with the provisions of the [†]Hawaii Revised Statutes[†]; provided that such lands may not be sold, leased, set aside, used, transferred or otherwise disposed of except under a general lease only. Any lease by the board of land and natural resources hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the board, for the purpose of this Act, upon the department giving at its option, [~~not~~] no less than one nor more than five years' notice of such withdrawal; provided[†] that the minimum withdrawal-notice period shall be specifically stated in such lease. Each such lease, whether or not stipulated therein, shall be deemed subject to the right and duty of the board of



1 land and natural resources to terminate the lease and return the
2 lands to the department whenever the department gives notice to
3 the board that the department is of the opinion that the lands
4 are required.

5 Notwithstanding the provisions of section 171-95, Hawaii
6 Revised Statutes, in the leasing of Hawaiian home lands by the
7 board to a public utility or other governmental agency, where
8 such use directly benefits the department of Hawaiian home lands
9 or the homestead lessees, the rental may be nominal; in all
10 other instances, the lease rental shall be no less than the
11 value determined in accordance with section 171-17(b), Hawaii
12 Revised Statutes.

13 Any general lease of Hawaiian home lands hereafter entered
14 into by the board shall be void unless ~~[prior to]~~ before the
15 disposition of such lease by public auction, direct negotiation
16 or otherwise, approval shall be obtained from the department of
17 Hawaiian home lands."

18 SECTION 7. Section 217, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§217. Ejectment, when; loan to new lessee for**
21 **improvements.** In case the lessee or borrower or the successor



1 to an interest in the tract, as the case may be, fails to comply
2 with any order issued by the department under the provisions of
3 section 210 or 216 of this title, the department may:

4 (1) Bring action of ejectment or other appropriate
5 proceeding; or

6 (2) Invoke the aid of the circuit court of the State for
7 the judicial circuit in which the tract designated in
8 the department's order is situated. Such court may
9 thereupon order the lessee or the lessee's successor
10 to comply with the order of the department. Any
11 failure to obey the order of the court may be punished
12 by it as contempt thereof. Any tract forfeited under
13 the provisions of section 210 or 216 of this title may
14 be again leased or sold by the department as
15 authorized by the provisions of section 207 of this
16 title, except that the value, in the opinion of the
17 department, of all improvements made in respect to
18 such tract by the original lessee or any successor to
19 an interest therein shall constitute a loan by the
20 department to the new lessee. Such loan shall be
21 subject to the provisions of this section and sections



215, except paragraph (1), and 216 to the same extent
as loans made by the department from the Hawaiian loan
fund."

SECTION 8. Section 228, Hawaii Revised Statutes, is
amended by amending subsection (e) to read as follows:

"(e) The department shall submit an annual report to the
legislature and the United States Department of the Interior, no
later than twenty days prior to the convening of each regular
session, beginning with the regular session of 2011, of all
leases of available lands for commercial and multipurpose
projects, including the following:

(1) The total number of leases;

(2) Acreage of each lease;

(3) Terms of each lease;

(4) Whether the lessee is a beneficiary or beneficiary
controlled organization; and

(5) Whether the lease was for retained available lands not
required for leasing or sale under section 207(a), and
was negotiated with a native Hawaiian, or organization
or association owned or controlled by native
Hawaiians, under section 204(a) (2)."



1 SECTION 9. The provisions of the amendments made by this
2 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
3 declared to be severable, and if any section, sentence, clause,
4 or phrase, or the application thereof to any person or
5 circumstances is held ineffective because there is a requirement
6 of having the consent of the United States to take effect, then
7 that portion only shall take effect upon the granting of consent
8 by the United States and effectiveness of the remainder of these
9 amendments or the application thereof shall not be affected.

10 SECTION 10. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on July 1, 2050.

13
INTRODUCED BY:


JAN 26 2021



H.B. NO. t/62

Report Title:

Hawaiian Home Lands; Sale; Fee Simple; Right of Purchase; DHHL

Description:

Authorizes the department of Hawaiian home lands to sell tracts of Hawaiian home lands to native Hawaiians in fee simple. Provides the department with the first right of purchase if a subsequent purchaser of the land is not native Hawaiian. Effective 7/1/2050.

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

