
A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

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

1 SECTION 1. The legislature finds that there are
2 approximately twenty-eight thousand native Hawaiian
3 beneficiaries on the department of Hawaiian home lands waitlist.
4 The legislature further finds that the department of Hawaiian
5 home lands does not possess sufficient land to provide housing
6 for everyone on the waitlist. The legislature also finds that
7 the largest demand for lots is on Oahu, but the department's
8 land holdings on Oahu are limited.

9 Therefore, the purpose of this Act is to shorten the
10 waitlist by authorizing the department of Hawaiian home lands to
11 provide any beneficiary with a cash award to purchase a
12 residential lot outside of department of Hawaiian home lands
13 trust lands or to pay the beneficiary's existing mortgage note
14 or rent in lieu of awarding the beneficiary a lease.

15 SECTION 2. The Hawaiian Homes Commission Act, 1920, as
16 amended, is amended by adding a new section to be appropriately
17 designated and to read as follows:



1 "§ _____ . Cash award to beneficiaries. (a) At the
2 sole discretion of the commission, the department of Hawaiian
3 home lands may expend funds to provide a cash award of no more
4 than \$ _____ to any beneficiary on the waiting list:

5 (1) For the purchase of a residential lot in fee simple
6 located outside of the department's trust lands; or

7 (2) To pay the beneficiary's existing mortgage note or
8 rent.

9 The department shall remove from the waiting list any
10 beneficiary who accepts a cash award.

11 (b) Any beneficiary who accepts a cash award pursuant to
12 this section shall relinquish the beneficiary's right to receive
13 a lease award directly from the department of Hawaiian home
14 lands under section 207 of this Act but shall remain entitled to
15 other rights under this Act.

16 (c) This section shall not create any entitlement to a
17 cash award. The failure of the commission to authorize cash
18 awards under this section shall not give rise to breach of trust
19 or fiduciary duty claims under chapter 673, Hawaii Revised
20 Statutes.



1 (d) The department of Hawaiian home lands may expend funds
2 from the Hawaiian home loan fund for the purposes of this
3 section."

4 SECTION 3. Section 213, Hawaiian Homes Commission Act,
5 1920, as amended, is amended by amending subsection (b) to read
6 as follows:

7 "(b) Hawaiian home loan fund. The moneys in this fund
8 shall be available for the purposes enumerated in section 214
9 [~~and~~], for payments provided in section 209, and for payment of
10 cash awards provided in section _____, and shall not be expended
11 for any other purpose except as provided in subsection (e).

12 Any interest or other earnings arising out of investments
13 from this fund shall be credited to and deposited into the
14 Hawaiian home operating fund."

15 SECTION 4. The provisions of the amendments made by this
16 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
17 declared to be severable, and if any section, sentence, clause,
18 or phrase, or the application thereof to any person or
19 circumstances, is held ineffective because there is a
20 requirement of having the consent of the United States Congress
21 to take effect, then the portion of this Act requiring consent



1 shall only take effect upon the granting of consent by the
2 United States Congress and effectiveness of the remainder of
3 these amendments or the application thereof shall not be
4 affected.

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 3000, and
7 either the date of the Secretary of the Interior's notification
8 pursuant to title 43 Code of Federal Regulations section 48.40
9 to the appropriate Congressional Committees that this Act meets
10 none of the criteria in title 43 Code of Federal Regulations
11 section 48.20 necessitating congressional approval, or on the
12 date that the United States Congress' approval becomes
13 effective.



Report Title:

HHCA; DHHL; Cash Award; Waiting List; Mortgage; Rent;
Residential Lots

Description:

Amends the Hawaiian Homes Commission Act to authorize the Department of Hawaiian Home Lands to provide cash awards to beneficiaries on the waiting list in lieu of a lease. Amends the Hawaiian Home Loan Fund to be allow for the use of cash award payments. Requires the Department of Hawaiian Home Lands to remove those beneficiaries from the waiting list. Specifies that beneficiaries who accept a cash reward shall lose their right to return to the waiting list, but remain entitled to other rights provided by the Hawaiian Homes Commission Act. Effective 7/1/3000. (HD1)

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

