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

9 Therefore, the purpose of this Act is to shorten the
10 waitlist by allowing the department of Hawaiian home lands to
11 provide a 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 Hawaiian homes commission, the department
3 of Hawaiian home lands may expend funds to provide a cash award
4 of \$ to a beneficiary on the waitlist for the purchase
5 of a residential lot in fee simple located outside of the
6 department's trust lands, or to pay the beneficiary's existing
7 mortgage note or rent. The department shall remove from the
8 waitlist any beneficiary that accepts a cash award.

9 (b) Any beneficiary that accepts a cash award shall only
10 relinquish their right to reapply to the waitlist and shall
11 remain entitled to other rights provided by the Hawaiian Homes
12 Commission Act, 1920, as amended.

13 (c) This section shall not create any entitlement to a
14 cash award. The failure of the Hawaiian Homes commission to
15 authorize cash awards under this section shall not give rise to
16 breach of trust or fiduciary duty claims under chapter 673.

17 (d) The department may expend funds from the Hawaiian home
18 loan fund for the purposes of this Act."

19 SECTION 3. The provisions of the amendments made by this
20 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
21 declared to be severable, and if any section, sentence, clause,



1 or phrase, or the application thereof to any person or
2 circumstances is held ineffective because there is a requirement
3 of having the consent of the United States to take effect, then
4 that portion only shall take effect upon the granting of consent
5 by the United States and effectiveness of the remainder of these
6 amendments or the application thereof shall not be affected.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on either the date
9 of the Secretary of the Interior's notification letter to the
10 Congressional Committee Chairmen that this Act meets none of the
11 criteria in title 43 Code of Federal Regulations section 48.20
12 necessitating congressional approval, or on the date that the
13 United States Congress' approval becomes law.



Report Title:

HHCA; DHHL; Cash Award; Waitlist; 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 waitlist in lieu of a lease. Requires the Department of Hawaiian Home Lands to remove those beneficiaries from the waitlist. Specifies that beneficiaries that accept a cash reward shall lose their right to return to the waitlist, but they remain entitled to other rights provided by the Hawaiian Homes Commission Act. Takes effect on either the date of the Secretary of the Interior's notification that congressional approval of this Act is unnecessary, or on the date of consent by the United States congress. (SD1)

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

