

**ACT 152**

H.B. NO. 3333

A Bill for an Act Relating to the Panaewa Residential Lots.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to appropriate funds to repair,

remove, replace, or restore the homes in the Panaewa residential lots, units 3 and 4.

SECTION 2. Section 213, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (f) to read as follows:

“(f) Hawaiian home administration account. The entire receipts derived from any leasing or other disposition of the available lands pursuant to section 204(2) and transfers from the Hawaiian home receipts fund shall be deposited into this account. Any interest or other earnings arising out of investments from this fund and any amounts recovered from any party involved with the construction or development of the homes in Panaewa residential lots, units 3 and 4 shall be credited to and deposited into this fund. The moneys in this account shall be expended by the department for salaries and other administration expenses of the department in conformity with general law applicable to all departments of the State, and no sums shall be expended for structures and other permanent improvements. This account shall be subject to the following conditions and requirements:

- (1) The department, when required by the governor but not later than November 15 preceding each regular session of the legislature, shall submit to the state director of finance its budget estimates of expenditures for the next fiscal period in the manner required by general law;
- (2) The department’s budget as approved by the governor shall be included in the governor’s budget report and shall be transmitted to the legislature for its approval;
- (3) Upon legislative approval of a budget, the amount appropriated shall be made available to the department. If no budget is approved by the legislature prior to its adjournment, sums accruing to this account shall not be expended for any other purpose but shall remain available for future use. Any amount in this account which is in excess of the amount approved by the legislature or made available for the fiscal period may be transferred to the Hawaiian home operating fund.

Notwithstanding any provision to the contrary, for the period of July 1, 1994, to July 1, 1995, moneys in the account may be used for homes in Panaewa residential lots, units 3 and 4:

- (1) To repair, remove, replace, or restore the homes; or
- (2) In direct settlement with the homeowners.”

SECTION 3. There is appropriated out of the Hawaiian home administration account of the State of Hawaii, a sum up to \$3,000,000, or so much thereof as may be necessary for fiscal year 1994-1995, to repair, remove, replace, or restore the homes in the Panaewa residential lots, units 3 and 4, in Hilo, Hawaii; provided that:

- (1) These funds may be used in direct settlement with the homeowners;
- (2) Any funds recovered from the general contractor and other parties up to \$3,000,000 shall be deposited into the Hawaiian home administration account; provided that funds recovered in excess of \$3,000,000 shall be deposited into the general fund; and
- (3) Funds shall be made available under this Act when a homeowner

and the department of Hawaiian home lands have negotiated and settled their differences regarding these homes.

SECTION 4. The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1994; provided that on July 1, 1995, section 2 of this Act shall be repealed, and section 213, Hawaiian Homes Commission Act, 1920, is reenacted in the form in which it read on the day before the approval of this Act.

(Approved June 9, 1994.)