
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 provide housing for
6 everyone on the waitlist. The legislature also finds that the
7 largest demand for lots is on Oahu, but the department's land
8 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 Hawaiian homes commission, the department
3 of Hawaiian home lands may expend funds to provide a cash award
4 of not more than \$ _____ to any beneficiary on the waitlist
5 for the purchase of a residential lot in fee simple located
6 outside of the department's trust lands, or to pay the
7 beneficiary's existing mortgage note or rent. The department
8 shall remove from the waitlist any beneficiary who accepts a
9 cash award.

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

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

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



1 SECTION 3. 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 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on either the date
12 of the Secretary of the Interior's notification pursuant to
13 title 43 Code of Federal Regulations section 48.40 to the
14 appropriate Congressional Committees that this Act meets none of
15 the criteria in title 43 Code of Federal Regulations section
16 48.20 necessitating congressional approval, or on the date that
17 the 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 who accept a cash reward shall lose their right to return to the waitlist, but 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. (SD2)

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

