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# 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 certain native  
2           Hawaiians who are eligible for a lease pursuant to the Hawaiian  
3           Homes Commission Act, 1920, as amended, have acquired a lease,  
4           sold or transferred their interest in the lease, and then placed  
5           their name on the waitlist for a second lease of Hawaiian home  
6           lands. This has contributed to many otherwise eligible native  
7           Hawaiians never receiving a lease offer.

8           The legislature believes that a department of Hawaiian home  
9           lands beneficiary should be able to enter the Hawaiian Homes  
10          Commission Act program with a reasonable expectation of  
11          eventually receiving a lease.

12          The purpose of this Act is to prohibit lessees who sell or  
13          transfer their interest in a Hawaiian home lands tract from  
14          obtaining a subsequent lease for the same class of land, with  
15          certain exceptions.



1 SECTION 2. Section 207, Hawaiian Homes Commission Act,  
2 1920, as amended, is amended by amending subsection (a) to read  
3 as follows:

4 "(a) The department is authorized to lease to native  
5 Hawaiians the right to the use and occupancy of a tract or  
6 tracts of Hawaiian home lands within the following acreage  
7 limits per each lessee: (1) not more than forty acres of  
8 agriculture lands or lands used for aquaculture purposes; or (2)  
9 not more than one hundred acres of irrigated pastoral lands and  
10 not more than one thousand acres of other pastoral lands; or (3)  
11 not more than one acre of any class of land to be used as a  
12 residence lot; provided that in the case of any existing lease  
13 of a farm lot in the Kalaniana'ole Settlement on Molokai, a  
14 residence lot may exceed one acre but shall not exceed four  
15 acres in area, the location of such area to be selected by the  
16 department; provided further that a lease granted to any lessee  
17 may include two detached farm lots or aquaculture lots, as the  
18 case may be, located on the same island and within a reasonable  
19 distance of each other, one of which, to be designated by the  
20 department, shall be occupied by the lessee as the lessee's  
21 home, the gross acreage of both lots not to exceed the maximum



1 acreage of an agricultural, pastoral, or aquacultural lot, as  
 2 the case may be, as provided in this section. If the lessee  
 3 sells or transfers the lessee's interest in the lease, even in a  
 4 manner otherwise authorized by this Act, the lessee shall be  
 5 ineligible to receive a subsequent lease for the same class of  
 6 land, except if:

- 7       (1) The lease is acquired pursuant to section 209;
- 8       (2) The only prior lease interest held by the lessee was  
 9       an interest held with co-lessees; or
- 10       (3) There is another circumstance qualifying as an  
 11       exception set forth in administrative rules.

12 A beneficiary may acquire a lease under any one of the foregoing  
 13 exceptions only."

14       SECTION 3. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun before its effective date.

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



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

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval by  
7 the governor of the State of Hawaii with the consent of the  
8 United States Congress.

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**Report Title:**

DHHL; Lessees; Churning

**Description:**

Prohibits lessees who sell or transfer land from obtaining subsequent leases of the same class of land, except if the lease is acquired pursuant to section 209 of the Hawaiian Homes Commission Act, 1920, as amended, if the only prior lease interest held by the lessee was an interest held with co-lessees, or if there is another circumstance qualifying as an exception set forth in administrative rules. (SD1)

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

