
A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLE XII OF THE CONSTITUTION OF STATE
OF HAWAII TO AUTHORIZE THE LEGISLATURE TO MAKE AMENDMENTS
TO THE MANAGEMENT AND DISPOSITION OF THE HAWAIIAN HOME
LANDS.

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

1 SECTION 1. The purpose of this Act is to propose amendments
2 to the Constitution of the State of Hawaii to authorize the
3 legislature to make amendments to how Hawaiian home lands are
4 managed, specifically, to prohibit the construction and
5 operation of casino gaming and wagering on these lands.

6 SECTION 2. Article XII, section 3, of the Constitution of
7 the State of Hawaii is amended to read as follows:

8 **"COMPACT ADOPTION; PROCEDURES AFTER ADOPTION**

9 **Section 3.** As a compact with the United States relating to
10 the management and disposition of the Hawaiian home lands, the
11 Hawaiian Homes Commission Act, 1920, as amended, shall be
12 adopted as a provision of the constitution of this State, as
13 provided in section 7, subsection (b), of the Admission Act,
14 subject to amendment or repeal only with the consent of the
15 United States, and in no other manner; provided that (1)
16 sections 202, 213, 219, 220, 222, 224 and 225 and other



1 provisions relating to administration, ~~and~~ paragraph (2) of
2 section 204, sections 206 and 212 and other provisions relating
3 to the powers and duties of officers other than those charged
4 with the administration of such Act, and section 207 relating to
5 leases and licenses granted to Hawaiians may be amended in the
6 constitution, or in the manner required for state legislation,
7 but the Hawaiian home-loan fund, the Hawaiian home-operating
8 fund and the Hawaiian home-development fund shall not be reduced
9 or impaired by any such amendment, whether made in the
10 constitution or in the manner required for state legislation,
11 and the encumbrances authorized to be placed on Hawaiian home
12 lands by officers other than those charged with the
13 administration of such Act, shall not be increased, except with
14 the consent of the United States; (2) that any amendment to
15 increase the benefits to lessees of Hawaiian home lands may be
16 made in the constitution, or in the manner required for state
17 legislation, but the qualifications of lessees shall not be
18 changed except with the consent of the United States; and (3)
19 that all proceeds and income from the "available lands," as
20 defined by such Act, shall be used only in carrying out the



1 provisions of such Act. [Add 73 Stat 4 and election June 27,
2 1959; ren and am Const Con 1978 and election Nov 7, 1978]"

3 SECTION 3. Section 207, Hawaiian Homes Commission Act,
4 1920, is amended by adding a new section to read as follows:

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



1 as the lessee's home, the gross acreage of both lots not to
2 exceed the maximum acreage of an agricultural, pastoral, or
3 aquacultural lot, as the case may be, as provided in this
4 section.

5 (b) The title to lands so leased shall remain in the
6 State. Applications for tracts shall be made to and granted by
7 the department, under such regulations, not in conflict with any
8 provisions of this title, as the department may prescribe. The
9 department shall, whenever tracts are available, enter into such
10 a lease with any applicant who, in the opinion of the
11 department, is qualified to perform the conditions of such
12 lease.

13 (c) (1) The department is authorized to grant licenses as
14 easements for railroads, telephone lines, electric
15 power and light lines, gas mains, and the like. The
16 department is also authorized to grant licenses for
17 lots within a district in which lands are leased under
18 the provisions of this section, for:

19 (A) Churches, hospitals, public schools, post
20 offices, and other improvements for public
21 purposes; and



1 (B) Theaters, garages, service stations, markets,
2 stores, and other mercantile establishments (all
3 of which shall be owned by native Hawaiians or by
4 organizations formed and controlled by native
5 Hawaiians).

6 (C) Prohibits the construction and operation of
7 casino gaming and wagering on Hawaiian Home
8 Lands. For the purpose of this subsection,
9 "Hawaiian Home Lands" has the same definition as
10 outlined in Hawaiian Homes Commission Act 1920
11 Section 201.

12 (2) The department is also authorized to grant licenses to
13 the United States for reservations, roads, and other
14 rights-of-way, water storage and distribution
15 facilities, and practice target ranges.

16 (3) Any license issued under this subsection shall be
17 subject to such terms, conditions, and restrictions as
18 the department shall determine and shall not restrict
19 the areas required by the department in carrying on
20 its duties, nor interfere in any way with the
21 department's operation or maintenance activities. [Am



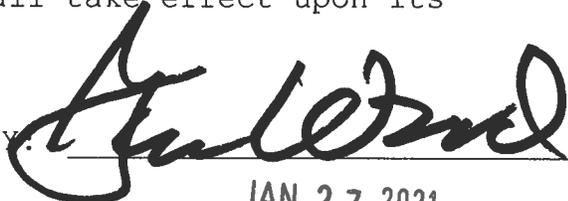
H.B. NO. 1396

1 Feb. 3, 1923, c 56, §1, 42 Stat 1222; May 16, 1934, c
2 290, §2, 48 Stat 779; Jul. 10, 1937, c 482, 50 Stat
3 504; May 31, 1944, c 216, §§3, 4, 58 Stat 264;
4 Jun. 14, 1948, c 464, §§1, 2, 62 Stat 390; Jun. 18,
5 1954, c 321, §1, 68 Stat 263; Aug. 23, 1958, Pub L 85-
6 733, 72 Stat 822; am L 1963, c 207, §2; am L 1981, c
7 90, §1; am L 1983, c 125, §2; am L 1984, c 27, §1 and
8 c 37, §2; am L 1985, c 69, §1 and c 159, §2; am L
9 1997, c 196, §2]

10 SECTION 3. New statutory material is underscored.

11 SECTION 4: This Act shall take effect upon its
12 approval.

INTRODUCED BY: _____



JAN 27 2021



H.B. NO. 1396

Report Title:

DHHL; Hawaiian Home Lands; Casino Gaming; Gambling;

Description:

Proposes amendments to the Constitution of the State of Hawaii to authorize the legislature to make amendments to the management of Hawaiian home lands. Prohibits the construction and operation of casino gaming and wagering on Hawaiian home lands.

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

