

ACT 125

H.B. NO. 234

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, As Amended.

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

SECTION 1. Purpose. The purpose of this bill is to allow the Department of Hawaiian Home Lands greater flexibility in the administration of its lands, through the disposition of licenses. Such license dispositions are to be on such terms, conditions and restrictions as the Commission shall determine, provided that any such license shall not in any way restrict the areas required by the department in carrying on its duties, nor interfere in any way with the department's operation or maintenance activities.

SECTION 2. Section 207 of the Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (c) to read:

"(c)(1) The department is authorized to grant licenses [for terms of not to exceed twenty-one years in each case, to public utility companies or corporations] as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like. The department is also authorized to grant licenses for lots within a district in which lands are leased under the provisions of this section, to[-]:

(A) [churches,] Churches, hospitals, public schools, post offices, and other improvements for public purposes; and

(B) [theaters,] Theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by lessees of the department or by organizations formed and controlled by said lessees).

(2) The department is also authorized, with the approval of the governor, to grant licenses to the United States for terms not to exceed five years, for reservations, roads, and other rights-of-way, water storage and distribution facilities, and practice target ranges[:]; provided[,] that any such license may be extended from time to time by the department, with the approval of the governor, for additional terms of three years[: provided further, that any such license shall not restrict the areas required by the department in carrying on its duties, nor interfere in any way with the department's operation on maintenance activities].

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

SECTION 3. The provisions of these legislative amendments are declared to be severable, and if any section, sentence, clause or phrase of these legislative

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

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 26, 1983.)