

Act 27 (HB 2192 April 14, 1984)

Amends section 207(a) of the HHCA by deleting the proviso permitting the department to designate the location of the homesite on residence lots less than 10,000 square feet (added by Act 23, SLH 1976) and added two new sentences authorizing the department to develop and construct multi-family units for housing native Hawaiians and authorizing the department to develop rules prescribing the method of disposition as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of such multi-family units.

ACT 27

recreational boating activities which are also the principal habitation of the owner shall occupy no more than fifteen per cent of the respective total moorage space available as of July 1, 1976 at the Ala Wai and Keehi boat harbors. Notwithstanding the primary purpose of small boat harbors, moorage for commercial vessels is permitted in a state small boat harbor, except that on Oahu moorage for commercial vessels is permitted in a state small boat harbor only where there is no commercial harbor within a distance of three statute miles[.]; provided that commercial catamarans, for which valid permits or registration certificates have been issued by the department of transportation which allow the catamarans to operate upon Waikiki shore waters for hire, may be permitted to moor in Ala Wai boat harbor at facilities leased for commercial purposes. The department may adopt rules pursuant to chapter 91 to further implement this section."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 14, 1984.)

ACT 27

H.B. NO. 2192-84

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

"(a) The department is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee: (1) not less than one nor more than forty acres of agriculture lands or lands used for aquaculture purposes; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred [and] fifty nor more than one thousand acres of second-class pastoral lands; or (4) not less than forty nor more than one hundred acres of irrigated pastoral lands; or (5) not more than one acre of any class of land to be used as a residence lot; provided that in the case of any existing lease of a farm lot in the Kalaupapa Settlement or Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the department; provided further that a lease granted to any lessee may include two detached farm lots or aquaculture lots, as the case may be, located on the same island and within a reasonable

distance of each other, one of which, to be designated by the department, shall be occupied by the lessee as his home, the gross acreage of both lots not to exceed the maximum acreage of an agricultural, pastoral, or aquaculture lot, as the case may be, as provided in this section[; provided further that the department may designate the location of the homesite on residence lots less than 10,000 square feet]. The department is authorized to develop and construct multi-family units for housing native Hawaiians. The method of disposition, as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of such multi-family units shall be prescribed by rules adopted by the department pursuant to chapter 91."

SECTION 2. The amendments made by this Act are declared to be severable, and if 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 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 14, 1984.)

ACT 28

S.B. NO. 285

A Bill for an Act Relating to Statute of Limitations for Motor Vehicle Reparations.

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

SECTION 1. Section 294-36, Hawaii Revised Statutes, is amended to read as follows:

"§294-36 Statute of limitations. (a) No suit shall be brought on any contract providing no-fault benefits or any contract providing optional additional coverage more than:

- (1) Two years from the date of the motor vehicle accident upon which the claim is based; or
- (2) Two years after the last payment of no-fault or optional additional benefits; or
- (3) Two years after the entry of a final order in arbitration; [whichever is the last to occur.] or

GEORGE R. ARIYOSHI
GOVERNOR



TANY S. HONG
ATTORNEY GENERAL

MICHAEL A. LILLY
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
STATE CAPITOL
HONOLULU, HAWAII 96813
(808) 548-4740

April 11, 1984

REPORT TO THE GOVERNOR ON BILL PASSED BY THE LEGISLATURE:

H.B. NO. 2192-84 RELATING TO THE HAWAIIAN HOMES COMMISSION
ACT, 1920, AS AMENDED.

GOVERNOR'S

DUE DATE: April 19, 1984

PURPOSE: The purpose of H.B. No. 2192-84 is to allow the Department of Hawaiian Home Lands to develop multi-family dwelling units on its lands.

COMMENTS: Present statutory provisions restrict grants of residential homestead leases by the Department in the form of subdivided lots only. The Department needs greater flexibility to explore alternative development models in order to hasten the process of grants of these homestead awards, particularly in view of the expanding waiting list of beneficiaries for residential awards. The potential of the Department to diversify the types of residential units to be made available, accelerate the rate of the grant awards, and reduce the cost of land development and home ownership would be enhanced by this amendment.

Section 4 of the Admission Act (Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4) and Section 3, Article XII of the State Constitution generally provides that amendments to the Hawaiian Homes Commission Act, 1920, as amended, can be amended only with the consent of the United States, with exceptions as noted therein.

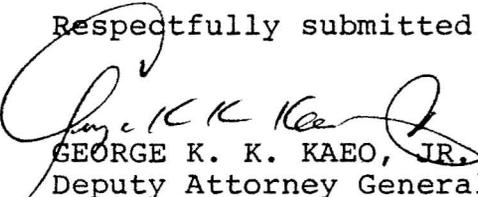
While we believe this measure falls within one of the permitted exceptions, an argument could be made that this legislation requires Congressional approval. This measure provides for such eventuality in SECTION 3.

This bill originated as an Administration measure.

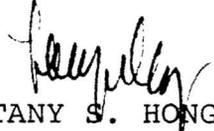
OPINION AS
TO LEGALITY:

Except as noted above, there appears to be no constitutional or other legal objection to the bill.

Respectfully submitted,


GEORGE K. K. KAE0, JR.
Deputy Attorney General

APPROVED:


TANY S. HONG
Attorney General

Delivery of the bill hereon identified, to the Governor of Hawaii by the Clerk of the House of the Legislature in which the same originated is hereby acknowledged on the day and hour noted hereon:

April 5, 1984 3:18 p.m.

FOR THE GOVERNOR OF HAWAII:

by Nancy Okazaki

SUBJECT: RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

Due Date for Departmental Report: **April 13, 1984**

Due Date for Governor's Action: **April 19, 1984**

Referred to	Admin. Code (Dept. Use)	Departmental Recommendations (For Governor's Office Use Only)
Lt. Governor		
✓ Attorney General		
Budget & Finance		
HHL	I-1 (84)	
DSSH		
Health		
For info only to:		
Legis. Ref. Bureau		

ACTION TAKEN:

DATE:

HOUSE OF REPRESENTATIVES
TWELETH LEGISLATURE, 1984
STATE OF HAWAII

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:

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

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 less than one nor more than
8 forty acres of agriculture lands or lands used for
9 aquaculture purposes; or (2) not less than one hundred nor
10 more than five hundred acres of first-class pastoral lands;
11 or (3) not less than two hundred [and] fifty nor more than
12 one thousand acres of second-class pastoral lands; or (4)
13 not less than forty nor more than one hundred acres of
14 irrigated pastoral lands; or (5) not more than one acre of
15 any class of land to be used as a residence lot; provided
16 that in the case of any existing lease of a farm lot in the

1 Kalaniana'ole Settlement on Molokai, a residence lot may
2 exceed one acre but shall not exceed four acres in area, the
3 location of such area to be selected by the department;
4 provided further that a lease granted to any lessee may
5 include two detached farm lots or aquaculture lots, as the
6 case may be, located on the same island and within a
7 reasonable distance of each other, one of which, to be
8 designated by the department, shall be occupied by the
9 lessee as his home, the gross acreage of both lots not to
10 exceed the maximum acreage of an agricultural, pastoral, or
11 aquaculture lot, as the case may be, as provided in this
12 section[; provided further that the department may designate
13 the location of the homesite on residence lots less than
14 10,000 square feet]. The department is authorized to
15 develop and construct multi-family units for housing native
16 Hawaiians. The method of disposition, as well as the terms,
17 conditions, covenants, and restrictions as to the use and
18 occupancy of such multi-family units shall be prescribed by
19 rules adopted by the department pursuant to chapter 91."

20 SECTION 2. The amendments made by this Act are
21 declared to be severable, and if any of them, or the
22 application thereof to any person or circumstances is held
23 ineffective because there is a requirement of having the

H. B. NO.

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

6 SECTION 3. Statutory material to be repealed is
7 bracketed. New material is underscored.

8 SECTION 4. This Act shall take effect upon its
9 approval.

10
11
13
14
15
16
17
18
19
20
21
22
23
24

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: March 12, 1984
Honolulu, Hawaii

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984.



Henry H. Peters
Speaker, House of Representatives

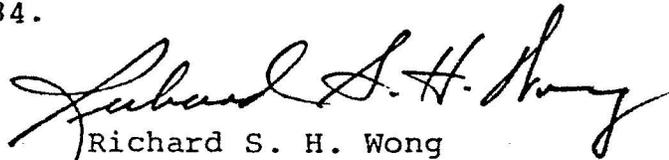


George M. Takane
Clerk, House of Representatives

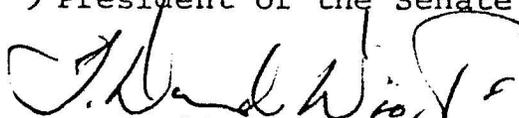
THE SENATE OF THE STATE OF HAWAII

Date: April 2, 1984
Honolulu, Hawaii

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984.



Richard S. H. Wong
President of the Senate



T. David Woo, Jr.
Clerk of the Senate

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:

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

3 "(a) The department is authorized to lease to native
4 Hawaiians the right to the use and occupancy of a tract or
5 tracts of Hawaiian home lands within the following acreage
6 limits per each lessee: (1) not less than one nor more than
7 forty acres of agriculture lands or lands used for
8 aquaculture purposes; or (2) not less than one hundred nor
9 more than five hundred acres of first-class pastoral lands;
10 or (3) not less than two hundred and fifty nor more than one
11 thousand acres of second-class pastoral lands; or (4) not
12 less than forty nor more than one hundred acres of irrigated
13 pastoral lands; (5) not more than one acre of any class of
14 land to be used as a residence lot; provided that in the
15 case of any existing lease of a farm lot in the Kalaniana'ole
16 Settlement on Molokai, a residence lot may exceed one acre
17 but shall not exceed four acres in area, the location of
18 such area to be selected by the department; provided further

1 that a lease granted to any lessee may include two detached
2 farm lots or aquaculture lots, as the case may be, located
3 on the same island and within a reasonable distance of each
4 other, one of which, to be designated by the department,
5 shall be occupied by the lessee as his home, the gross
6 acreage of both lots not to exceed the maximum acreage of an
7 agricultural, pastoral, or aquaculture lot, as the case may
8 be, as provided in this section[; provided further that the
9 department may designate the location of the homesite on
10 residence lots less than 10,000 square feet.] The
11 department is authorized to develop and construct
12 multi-family units for housing of native Hawaiians. The
13 method of disposition, as well as the terms, conditions,
14 covenants and restrictions as to the use and occupancy of
15 such multi-family units, shall be prescribed by rules
16 promulgated by the department."

17 SECTION 2. The amendments made by this Act are
18 declared to be severable, and if any of them, or the
19 application thereof to any person or circumstances is held
20 ineffective because there is a requirement of having the
21 consent of the United States to take effect, then, that
22 portion only shall take effect upon the granting of consent
23 by the United States and the effectiveness of the remainder
24 of these legislative amendments or the application thereof
25 shall not be affected.

1 SECTION 3. Statutory material to be repealed is
2 bracketed. New material is underscored.

3 SECTION 4. This Act shall take effect upon its
4 approval.

5

6

INTRODUCED BY:

FEB 10 1984

J. H. Rf
By Request

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

JUSTIFICATION SHEET

REVISED: December 22, 1983

DEPARTMENT: Hawaiian Home Lands (DDHL)

TITLE: Relating to the Hawaiian Homes Commission Act, 1920, as Amended.

PURPOSE: Allow the Department of Hawaiian Home Lands to develop multi-family dwelling units on its residential lands. Delete unnecessary or conflicting provisions related to designation of homesites.

MEANS: Add new provisions to Section 207 (a), Hawaiian Homes Commission Act, 1920 as amended. Delete unnecessary provisions by repealing Act 23, Session Laws of Hawaii, 1976.

JUSTIFICATION: It costs the Department approximately \$75,000 to place a native Hawaiian on a residential homestead today. Site improvements, such as roads, sewers, water, utilities, and grading average \$35,000 per lot. This cost is absorbed by the State and not passed on to the homesteader. House construction costs another \$40,000 with the State again bearing the cost of financing low interest direct or indirect loans.

If past practices and patterns continue, it will require an additional \$525,000,000 and 35 more years to deliver homesteads to the remaining 7,000 eligibles currently on residential waiting lists.

The Department needs the flexibility to explore alternative development models to accelerate the granting of homestead awards to satisfy its obligations as trustees and the changing needs of beneficiaries.

Multi-family units hold promise as a satisfactory development alternative because:

1. The site improvement cost per unit would be less, allowing more awards to the same amount of funding..
2. As has occurred in the general population, there is a growing need among elderly native Hawaiians and young working couples for homes that are affordable and more easily maintained.

Justification

Revised: December 29, 1983

3. The concept of higher densities will allow the development of more housing on a given amount of land, in preferred locations.

The Department strongly favors this measure because, besides adding to the types of units that will be available, it will also mean more homes for more people, and at prices that they can better afford.

Chances for home ownership at a younger age will improve and elderly lessees will have a choice relative to homestead location, affordability, and upkeep. The potential benefits apply especially to the elderly, many of whom suffer from both physical and monetary limitations that come with age.

Top priority is assigned to this proposal because it can contribute greatly to the Department's goal of accelerating homestead awards, and also to priority housing objectives of the Hawaii State Plan as expressed in Section 226-19, HRS.

GENERAL FUND:

None

OTHER FUNDS:

None

PPBS PROGRAM
DESIGNATION:

HHL 602

OTHER AGENCIES
AFFECTED:

Department of the Attorney General
Department of Social Services and Housing
Department of Health

STAND. COM. REP. NO. 128-84

Honolulu, Hawaii
February 29, 1984

RE: H.B. No. 2192-84

The Honorable Henry Haalilio Peters
Speaker, House of Representatives
Twelfth State Legislature
Regular Session of 1984
State of Hawaii

Sir:

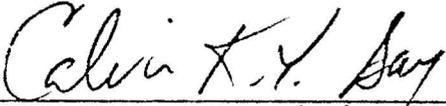
Your Committee on Water, Land Use, Development and Hawaiian Affairs, to which was referred H.B. No. 2192-84 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", begs leave to report as follows:

The purpose of this bill is to allow the Department of Hawaiian Home Lands to develop multi-family dwelling units on its residential lands.

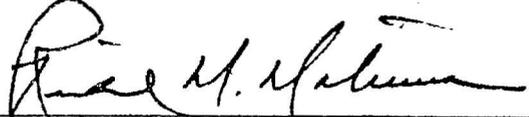
Current statutes restrict grants of residential homestead leases by the Department of Hawaiian Home Lands only in the form of subdivided lots. According to testimony, the Department needs greater flexibility to explore alternative development models in order to hasten the process of grants of these homestead awards. The bill would diversify the types of residential units to be made available to potential lessees, accelerate the rate of the grant awards, and reduce the cost of land development and home ownership.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of H.B. No. 2192-84 and recommends that it pass Second Reading and be referred to the Committee on Finance.

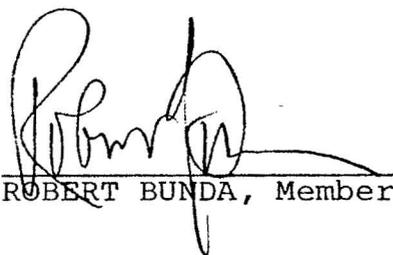
Respectfully submitted,



CALVIN K.Y. SAY, Chairman

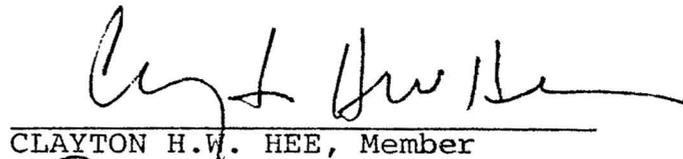


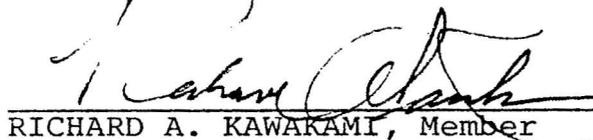
RICHARD M. MATSUURA, Vice-Chairman

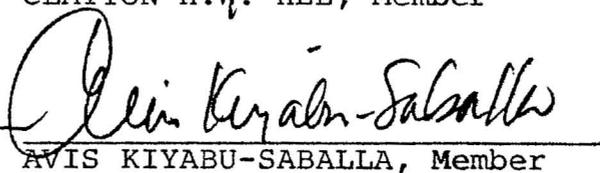

ROBERT BUNDA, Member


MIKE CROZIER, Member


CLARICE Y. HASHIMOTO, Member


CLAYTON H.W. HEE, Member

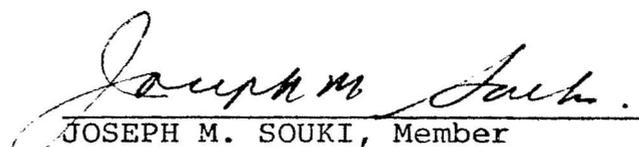

RICHARD A. KAWAKAMI, Member

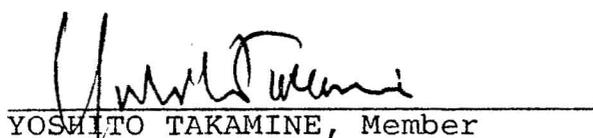

AVIS KIYABU-SABALLA, Member

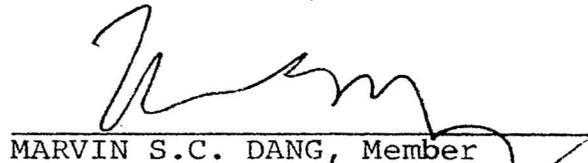

RON MENOR, Member

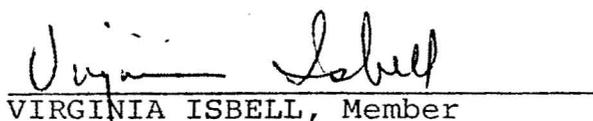

ROBERT NAKATA, Member


TOM OKAMURA, Member


JOSEPH M. SOUKI, Member


YOSHITO TAKAMINE, Member


MARVIN S.C. DANG, Member


VIRGINIA ISBELL, Member

STAND. COM. REP. NO. 367-84

Honolulu, Hawaii
March 9, 1984

RE: H.B. No. 2192-84
H.D. 1

Honorable Henry Haalilio Peters
Speaker, House of Representatives
Twelfth State Legislature
Regular Session of 1984
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 2192-84 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", begs leave to report as follows:

The purpose of this bill is to allow the department of Hawaiian home lands to develop multi-family dwelling units on its residential lands.

Current statutes restrict grants of residential homestead leases by the department of Hawaiian home lands only in the form of subdivided lots. According to testimony, the department needs greater flexibility to explore alternative development models in order to hasten the process of grants of these homestead awards. The bill would diversify the types of residential units to be made available to potential lessees, accelerate the rate of the grant awards, and reduce the cost of land development and home ownership.

Your Committee has made several nonsubstantive technical and stylistic amendments to this bill.

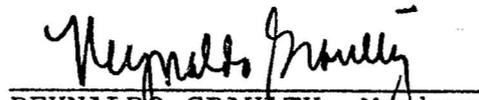
Your Committee on Finance is in accord with the intent and purpose of H.B. No. 2192-84, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2192-84, H.D. 1.

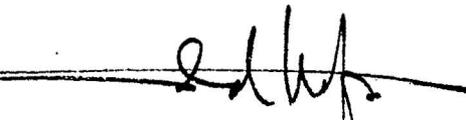
Respectfully submitted,

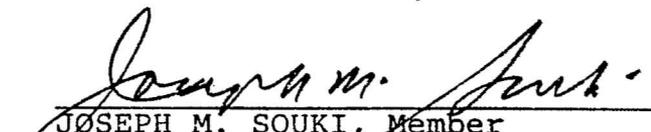

KEN KIYABU, Chairman


RICHARD A. KAWAKAMI, Vice Chairman

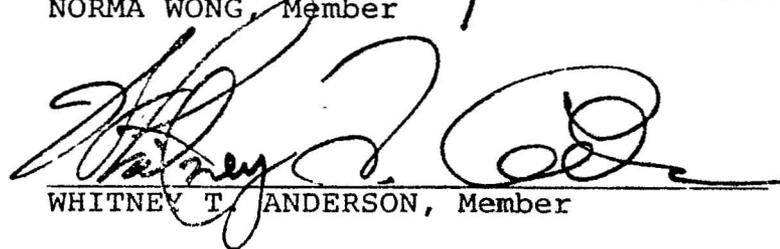

CONNIE C. CHUN, Member


REYNALDO GRAULTY, Member

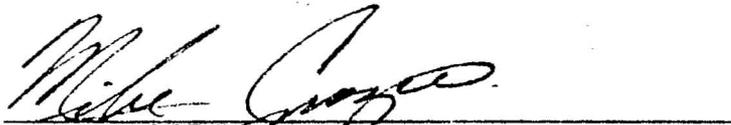

ARNOLD MORGADO, Member


JOSEPH M. SOUKI, Member


NORMA WONG, Member

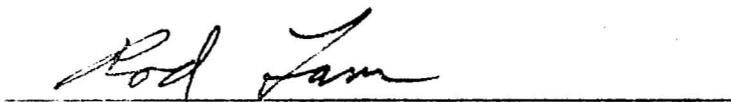

WHITNEY T. ANDERSON, Member

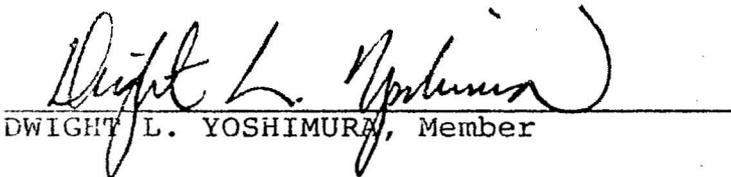

ROBERT BUNDA, Member


MIKE CROZIER, Member


ANDREW LEVIN, Member


ROBERT S. NAKATA, Member


ROD TAM, Member


DWIGHT L. YOSHIMURA, Member

 Isbell w/R
VIRGINIA ISBELL, Member

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:

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

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 less than one nor more than
8 forty acres of agriculture lands or lands used for
9 aquaculture purposes; or (2) not less than one hundred nor
10 more than five hundred acres of first-class pastoral lands;
11 or (3) not less than two hundred [and] fifty nor more than
12 one thousand acres of second-class pastoral lands; or (4)
13 not less than forty nor more than one hundred acres of
14 irrigated pastoral lands; or (5) not more than one acre of
15 any class of land to be used as a residence lot; provided
16 that in the case of any existing lease of a farm lot in the

1 Kalaniana'ole Settlement on Molokai, a residence lot may
2 exceed one acre but shall not exceed four acres in area, the
3 location of such area to be selected by the department;
4 provided further that a lease granted to any lessee may
5 include two detached farm lots or aquaculture lots, as the
6 case may be, located on the same island and within a
7 reasonable distance of each other, one of which, to be
8 designated by the department, shall be occupied by the
9 lessee as his home, the gross acreage of both lots not to
10 exceed the maximum acreage of an agricultural, pastoral, or
11 aquaculture lot, as the case may be, as provided in this
12 section[; provided further that the department may designate
13 the location of the homesite on residence lots less than
14 10,000 square feet]. The department is authorized to
15 develop and construct multi-family units for housing native
16 Hawaiians. The method of disposition, as well as the terms,
17 conditions, covenants, and restrictions as to the use and
18 occupancy of such multi-family units shall be prescribed by
19 rules adopted by the department pursuant to chapter 91."

20 SECTION 2. The amendments made by this Act are
21 declared to be severable, and if any of them, or the
22 application thereof to any person or circumstances is held
23 ineffective because there is a requirement of having the

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

6 SECTION 3. Statutory material to be repealed is
7 bracketed. New material is underscored.

8 SECTION 4. This Act shall take effect upon its
9 approval.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STANDING COMMITTEE REPORT NO. 484-84

Honolulu, Hawaii

MAR 30 1984

Honorable Richard S. H. Wong
President of the Senate
Twelfth State Legislature
Regular Session of 1984
State of Hawaii

Sir:

RE: H.B. No. 2192-84, H.D. 1

Your Committee on Housing and Urban Development, to which was referred H.B. No. 2192-84, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED",

begs leave to report as follows:

The purpose of this bill is to allow the Department of Hawaiian Home Lands to develop, construct, and dispose of multi-family dwelling units on Hawaiian Home lands.

Presently, the Department of Hawaiian Home Lands (DHHL) grants residential homestead leases for subdivided lots. According to testimony, the DHHL needs greater flexibility to explore alternative development models in order to accelerate the granting of homestead awards. This bill would diversify the types of residential units available to potential lessees and reduce the cost of land development and home ownership.

Your Committee finds that this proposal will contribute greatly to the DHHL's goal of accelerating homestead awards and also to the priority housing objectives of the Hawaii State Plan as expressed in Section 226-19, Hawaii Revised Statutes.

Your Committee on Housing and Urban Development is in accord with the intent and purpose of H.B. No. 2192-84, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted,

Patsy K. Young
PATSY K. YOUNG, Chairman

Milt Holt
MILTON HOLT, Vice-Chairman

Steve Cobb
STEVE COBB, Member

Duke T. Kawasaki
DUKE T. KAWASAKI, Member

Mamoru Yamasaki
MAMORU YAMASAKI, Member

Ralph K. Ajifu
RALPH K. AJIFU, Member

Ann Kobayashi
ANN KOBAYASHI, Member