A Bill for an Act Relating to Actuarial Assumptions of the Employees' Retirement System.

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

SECTION 1. Section 88-122, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The actuarial valuations made for years ending [June 30, 1991 and 1992,] June 30, 1993, and June 30, 1994, shall be based on an eight per cent investment yield rate and [such] the tables and factors [as are] adopted by the board of trustees for actuarial valuations of the system."

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 Statutory material to be repealed is bracketed.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

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

(Applied May 21, 1993.)

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 213, Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"§213. Funds and accounts. (a) There are established in the treasury of the State two revolving funds, to be known respectively as the Hawaiian home loan fund and the Hawaiian home general loan fund. [(1)] [(b)] Hawaiian home loan fund. The moneys in this fund shall be available for the purposes enumerated in section 214 [of this Act] and for payments provided in section 209 and shall not be expended for any other purpose except as provided in subsection [(b)(1).] [(c).

Any interest or other earnings arising out of investments from this fund shall be credited to and deposited into the Hawaiian home operating fund. [(2)] [(c) Hawaiian home general loan fund. Moneys appropriated by the legislature for the construction of homes but not otherwise set aside for a particular fund, for construction of replacement homes, for home repairs or additions, or for the development and operation of a farm, ranch, or aquaculture operation; moneys transferred from other funds; and installments of principal paid by the lessees upon loans made to them from this fund, or as payments representing reimbursements on account of advances, but not including interest on such loans or advances, shall be deposited into this fund. The moneys in the fund shall be used for purposes enumerated in section 214 [of this Act] and for payments provided in section 209; [provided that loans to lessees for repairs to their existing homes and for additions to such homes shall not be in excess of $15,000;] provided [further] that, in addition to the conditions enumerated in the following conditions: [(to)

(1) To be eligible for a farm for an acceptable plan to derive, a
farm; (farm)

(2) Farm loans made for the pur
not exceed $20,000, and sha
Subsidies and grants or cost
department for the repaym
and [the]

(4) The lessee shall carry out r
approved by a qualified agr
[(A)] The department may i
port the guarantee of repayment of loans
institutions to a holder of a lea
license issued under section 207(c)(1)(B)
[(B)] The department may m
moneys borrowed from government agen
used for any of the purposes enumerated
of principal and that part of the int
department by the lender paid by the les
account shall be deposited into the same
other earnings arising out of investments
deposited into the Hawaiian home recei
[(b)] [(d) There are establish
funds, to be known respectively as the H
ian home administration account, the Ha
home trust fund, and the native Hawaiia
[(1)] [(e) Hawaiian home operat
Hawaiian home loan fund, all moneys re
source, and moneys transferred from the d
the Hawaiian home operati
the prior written approval of the govern
[(A)] [(1) For construction
improvements intended to; hoo
home lands, including acqu
interests therein, such as: [(B)] [(2) For payment into th
necessary to meet the int
issued for such revenue-proc
[(C)] [(3) For operation and
structed from such funds or
[(D)] [(4) For the purchase of
pied, or furnished on a cba
lands; and
[(E)] [(5) For appraisals, st
and engineers), or any other 202(b) re
The moneys in this fund may be s
or appropriated by the legislature for t
moneys, this fund, with the approval of t
transfers, made on a loan basis from the I
addition to the conditions enumerated in section 215, farm loans shall be subject to the following conditions: [to]

(1) To be eligible for a farm loan the applicant shall derive, or present an acceptable plan to derive, a major portion of the applicant's income from farming; [farm]

(2) Farm loans made for the purpose of soil and water conservation shall not exceed $20,000 and shall be for a term not to exceed ten years.

(3) Subsidies and grants or cost-sharing funds entitled and received by the lessee for soil and water conservation purposes shall be assigned to the department for the repayment of the outstanding farm indebtedness; and [the]

(4) The lessee shall carry out recommended farm management practices approved by a qualified agricultural agency.

[(A)] The department may create an account within this fund to support the guarantee of repayment of loans made by government agencies or private lending institutions to a holder of a lease under section 207(a) [of this Act] or license issued under section 207(c)(1)(B) [of this Act].

[(B)] The department may create an account within this fund for moneys borrowed from government agencies or private lending institutions to be used for any of the purposes enumerated in section 214 [of this Act]. Installments of principal and that part of the interest equal to the interest charged to the department by the lender paid by the lessees on the loans made to them from this account shall be deposited into the same account; any additional interest or other earnings arising out of investments from this account shall be credited to and deposited into the Hawaiian home receipts fund.

[(b)(d)] There are established in the treasury of the State five special funds, to be known respectively as the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home receipts fund, the Hawaiian home trust fund, and the native Hawaiian rehabilitation fund.

[(1) (e)] Hawaiian home operating fund. The interest transferred from the Hawaiian home loan fund, all moneys received by the department from any other source, and moneys transferred from the Hawaiian home receipts fund, shall be deposited into the Hawaiian home operating fund. The moneys in this fund, without the prior written approval of the governor, shall be available:

[(A)] (1) For construction and reconstruction of revenue-producing improvements intended to serve principally occupants of Hawaiian home lands, including acquisition or lease therefor of real property and interests therein, such as water rights or other interests;

[(B)] (2) For payment into the treasury of the State of such amounts as are necessary to meet the interest and principal charges for state bonds issued for such revenue-producing improvements;

[(C)] (3) For operation and maintenance of such improvements constructed from such funds or other funds;

[(D)] (4) For the purchase of water or other utilities, goods, commodities, supplies, or equipment needed for services, or to be resold, rented, or furnished on a charge basis to occupants of Hawaiian home lands; and

[(E)] (5) For appraisals, studies, consultants (including architects[,] and engineers), or any other staff services including those in section 202(b) required to plan, implement, develop, or operate these projects.

The moneys in this fund may be supplemented by other funds available for or appropriated by the legislature for the same purposes. In addition to such moneys, this fund, with the approval of the governor, may be supplemented by transfers, made on a loan basis from the Hawaiian home loan fund for a period not
excluding structures or improvements that the department is obligated to acquire sary to serve present and future occupants of Hawaiian home lands; for section structures and other permanent improvements. This account shall be subject to the acquisition or lease of real property and interest therein; and for improvements constructed for the benefit of beneficiaries of this Act and not otherwise permitted in the various loan funds or the administration account.

(A)--(f) Hawaiian home administration account. The entire receipts derived from any leasing or other disposition of the available lands [defined in] pursuant to section 204 of this Act and transfers from the Hawaiian home receipts fund shall be deposited into this account. Any interest or other earnings arising out of investments from this fund shall be credited to and deposited into this fund. The moneys in this account shall be expended by the department for salaries and [all] other administration expenses of the department in conformity with the general law applicable to all departments of the State, and no sums shall be expended for structures and other permanent improvements. This account shall be subject to the following conditions and requirements:

[(A)] (1) The department [shall], when required by the governor but not later than November 15 preceding each regular session of the legislature, shall submit to the state director of finance its budget estimates of expenditures for the next fiscal period in the manner required by general law.[];

[(B)] (2) The department's budget as approved by the governor shall be included in the governor's budget report and shall be transmitted to the legislature for its approval[.];

[(C)] (3) Upon legislative approval of a budget, the amount appropriated shall be made available to the department. If no budget is approved by the legislature prior to its adjournment, sums accruing to this account shall not be expended for any other purpose but shall remain available for future use. Any amount in this account which is in excess of the amount approved by the legislature or made available for the fiscal period may be transferred to the Hawaiian home operating fund.

[(D)] (g) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted by the department.

[(E)] (h) Hawaiian home trust fund. [All] Except for gifts, bequests, and other moneys given for designated purposes, moneys deposited into this fund shall be available for transfers into any other fund or account authorized by the Act or for any public purpose deemed by the commission to further the purposes of the Act. Public purpose, as used herein, includes the formation of an account within the Hawaiian home trust fund as a reserve for loans insured or guaranteed by the Federal Housing Administration, Department of Veterans Affairs, or any other federal agency and their respective successors and assigns, which are authorized to insure or guarantee loans. Notwithstanding any other law to

exceeding ten years; provided that the aggregate amount of such transfers outstanding at any one time shall not exceed $500,000.

In addition, moneys of this fund shall be made available with the prior written approval of the governor for offsite improvements and development necessary to serve present and future occupants of Hawaiian home lands; for improvements, additions, and repairs to all assets owned or leased by the department excluding structures or improvements that the department is obligated to acquire under section 209 of this Act; for engineering, architectural, and planning services to maintain and develop properties; for such consultant services as may be contracted for under this Act; for purchase or lease of necessary equipment; for acquisition or lease of real property and interest therein; and for improvements constructed for the benefit of beneficiaries of this Act and not otherwise permitted in the various loan funds or the administration account.

[(2)] (f) Hawaiian home administration account. The entire receipts derived from any leasing or other disposition of the available lands [defined in] pursuant to section 204 of this Act and transfers from the Hawaiian home receipts fund shall be deposited into this account. Any interest or other earnings arising out of investments from this fund shall be credited to and deposited into this fund. The moneys in this account shall be expended by the department for salaries and [all] other administration expenses of the department in conformity with the general law applicable to all departments of the State, and no sums shall be expended for structures and other permanent improvements. This account shall be subject to the following conditions and requirements:

[(A)] (1) The department [shall], when required by the governor but not later than November 15 preceding each regular session of the legislature, shall submit to the state director of finance its budget estimates of expenditures for the next fiscal period in the manner required by general law.[];

[(B)] (2) The department's budget as approved by the governor shall be included in the governor's budget report and shall be transmitted to the legislature for its approval[.];

[(C)] (3) Upon legislative approval of a budget, the amount appropriated shall be made available to the department. If no budget is approved by the legislature prior to its adjournment, sums accruing to this account shall not be expended for any other purpose but shall remain available for future use. Any amount in this account which is in excess of the amount approved by the legislature or made available for the fiscal period may be transferred to the Hawaiian home operating fund.

[(D)] (g) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted by the department.

[(E)] (h) Hawaiian home trust fund. [All] Except for gifts, bequests, and other moneys given for designated purposes, moneys deposited into this fund shall be available for transfers into any other fund or account authorized by the Act or for any public purpose deemed by the commission to further the purposes of the Act. Public purpose, as used herein, includes the formation of an account within the Hawaiian home trust fund as a reserve for loans insured or guaranteed by the Federal Housing Administration, Department of Veterans Administration, Affairs, or any other federal agency and their respective successors and assigns, which are authorized to insure or guarantee loans. Notwithstanding any other law to

the contrary, the department is expressly in any duly organized bank in the State automatic fund transfer capabilities and ably required by the federal agencies respective insurance or guarantee progr

[(5)] (i) Native Hawaiian rehabil Section 1, of the State Constitution, th from lands previously cultivated as sug law and from water licenses, shall be de use this money solely for the rehabilit introduce, but not be limited to, the edu cultural processes by which the general are thereby improved and perpetuated.

[(B)] Any payment of principal, i loan or investment of mon deposited into this fund.

[(C)] Sections 214, 215, 216, a administration of this fund rules under chapter 91 ne purposes of this fund."

SECTION 2. Statutory material material is underscored.

SECTION 3. This Act shall take
(Approved May 21, 1993.)
the contrary, the department is expressly authorized to deposit the reserve for loans in any duly organized bank in the State or elsewhere in the United States with automatic fund transfer capabilities and at such reserve amounts as shall be reasonably required by the federal agencies as a condition for participation in their respective insurance or guarantee programs.

"[(5) (i)] Native Hawaiian rehabilitation fund. [(A)] Pursuant to Article XII, Section 1, of the State Constitution, thirty per cent of the state receipts, derived from lands previously cultivated as sugarcane lands under any other provision of law and from water licenses, shall be deposited into this fund. The department shall use this money solely for the rehabilitation of native Hawaiians which shall include, but not be limited to, the educational, economic, political, social, and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved and perpetuated.

[(B)] Any payment of principal, interest, or other earnings arising out of the loan or investment of money from this fund shall be credited to and deposited into this fund.

[(C)] Sections 214, 215, 216, and 217 [of this Act] shall not apply to administration of this fund. The department is authorized to adopt rules under chapter 91 necessary to administer and carry out the purposes of this fund."

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

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

(Approved May 21, 1993.)

ACT 146  H.B. NO. 2019

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 220.5, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (d) to read as follows:

"(d) Any project developer agreement entered into pursuant to this section may provide for options for renewal of the term of the project developer agreement; provided that [the]:

1. The term of any one project developer agreement shall not exceed sixty-five years; [and provided further that any];

2. Any lands disposed of under a project developer agreement shall besubject to withdrawal at any time during the term of the agreement, with reasonable notice; and [provided that the]

3. The rental shall be reduced in proportion to the value of the portion withdrawn and the developer shall be entitled to receive from the department the proportionate value of the developer’s permanent improvements so taken in the proportion that they bear to the unexpired term of the agreement, with the value of the permanent improvements determined on the basis of fair market value or depreciated value, whichever is less; or the developer, in the alternative, may remove and
act 147

relocate the developer's improvements to the remainder of the lands occupied by the developer.

section 2. statutory material to be repealed is bracketed. new statutory material is underscored.

section 3. this act shall take effect upon its approval.

(approved may 21, 1993.)

note

1. so in original.

act 147

h.b. no. 2020

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 209, hawaiian homes commission act, 1920, as amended, is amended by amending subsection (a) to read as follows:

"(a) upon the death of the lessee, the lessee's interest in the tract or tracts and the improvements thereon, including growing crops and aquacultural stock (either on the tract or in any collective contract or program to which the lessee is a party by virtue of the lessee's interest in the tract or tracts), shall vest in the relatives of the decedent as provided in this paragraph. from the following relatives of the lessee who are (1) at least one-quarter hawaiian, husband, wife, or children, or (2) native hawaiian, father and mother, widows or widowers of the children, grandchildren, brothers and sisters, widows or widowers of the children, or nieces and nephews, the lessee shall designate the person or persons to whom the lessee directs the lessee's interest in the tract or tracts to vest upon the lessee's death. the hawaiian blood requirements shall not apply to the descendants of those who are not native hawaiians but who were entitled to the leased lands or under section 3 of the act of may 16, 1934 (48 stat. 777, 779), as amended, or under section 3 of the act of july 9, 1952 (66 stat. 511, 513). in all cases such that person or persons need not be eighteen years of age. such designation shall be in writing, may be specified at the time of execution of such the lease with a right in such the lessee in similar manner to change such the beneficiary at any time and shall be filed with the department and approved by the department in order to be effective to vest such the interests in the successor or successors so named.

in case of the death of any lessee, except as hereinabove provided, who has failed to specify a successor or successors as approved by the department, the department may select from only the following qualified relatives of the decedent:

(1) husband or wife;
(2) if there is no husband or wife, then the children[.]; or
(3) if there is no husband, wife, or child, then from the following relatives of the lessee who are native hawaiian: father and mother, widows or widowers of the children, grandchildren, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews.

the rights to the use and occupancy of the tract or tracts may be made effective as of the date of the death of such the lessee.

in the case of the death of a lessee leaving no designated successor or successors, husband, wife, [or] children, or relative qualified to be a lessee of hawaiian home lands, the land subject to the lease to a native hawaiian as provided by section 3 of the act of may 21, 1993.

upon the death of a lessee who leaves a spouse not qualified to succeed to the lease, or upon the death of a lessee qualified to be a lessee of hawaiian home lands but who has not executed a lease with the department, or the surrender of a lease, or the appraisal of the value of all such the improvements and aquacultural stock, as the case may be, or the legal representation of the lessee, [such] these payments shall be and shall be considered as advance to or successors to the tract involved. if such an appraisal is insufficient to make such the payments from the hawaiian home general loan fund to be named by the department, or for any other reason, the department, or the legal representation of the lessee, [such] these payments shall be and shall be considered as advance to or successors to the tract involved; provided from the hawaiian home general loan fund by the department for loans made for [such] the appraisal shall be named by the department, one by one of the deceased lessee, as the case may be.

section 2. the provisions of and, if any section, sentence, clause, person or circumstances is held ineffectual, the consent of the united states to the granting of consent by the department, or the remainder of this amendment or the act, if any section, sentence, clause, person or circumstances is held ineffectual by the department, is amended by struck through.

section 3. statutory material is underscored.

section 4. this act shall take effect upon its approval.

(approved may 21, 1993.)

1. should be underscored.

ac

a bill for an act relating to homeless

be it enacted by the legislature of the state of hawaii:

section 1. chapter 358d, ha follows:
HAWAIIAN HOME LOAN FUND ACT

1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:


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

SECTION 1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:

HAWAIIAN HOME LOAN FUND ACT:

SECTION 2. The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase 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 this amendment or the application thereof shall not be affected.

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

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

(Approved May 21, 1993.)

Note

1. Should be underscored.

ACT 148

H.B. NO. 2022

A Bill for an Act Relating to Homeless Persons.

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

SECTION 1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:

HAWAIIAN HOME LOAN FUND ACT:

SECTION 2. The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase 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 this amendment or the application thereof shall not be affected.

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

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

(Approved May 21, 1993.)

Note

1. Should be underscored.

ACT 148

H.B. NO. 2022

A Bill for an Act Relating to Homeless Persons.

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

SECTION 1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:

HAWAIIAN HOME LOAN FUND ACT:

SECTION 2. The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase 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 this amendment or the application thereof shall not be affected.

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

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

(Approved May 21, 1993.)

Note

1. Should be underscored.

ACT 148

H.B. NO. 2022

A Bill for an Act Relating to Homeless Persons.

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

SECTION 1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:

HAWAIIAN HOME LOAN FUND ACT:

SECTION 2. The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase 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 this amendment or the application thereof shall not be affected.

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

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

(Approved May 21, 1993.)

Note

1. Should be underscored.

ACT 148

H.B. NO. 2022

A Bill for an Act Relating to Homeless Persons.

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

SECTION 1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:

HAWAIIAN HOME LOAN FUND ACT:

SECTION 2. The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase 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 this amendment or the application thereof shall not be affected.

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

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

(Approved May 21, 1993.)

Note

1. Should be underscored.

ACT 148

H.B. NO. 2022

A Bill for an Act Relating to Homeless Persons.

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

SECTION 1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:

HAWAIIAN HOME LOAN FUND ACT:

SECTION 2. The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase 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 this amendment or the application thereof shall not be affected.

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

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

(Approved May 21, 1993.)

Note

1. Should be underscored.

ACT 148

H.B. NO. 2022

A Bill for an Act Relating to Homeless Persons.

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

SECTION 1. Chapter 358D, Hawaii Revised Statutes, is amended to read as follows:

HAWAIIAN HOME LOAN FUND ACT:

SECTION 2. The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase 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 this amendment or the application thereof shall not be affected.

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

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

(Approved May 21, 1993.)

Note

1. Should be underscored.