SESSION LAWS
OF
HAWAII
PASSED BY THE
SEVENTEENTH STATE LEGISLATURE

SPECIAL SESSION
1993

Convened on Monday, August 23
and
Adjourned sine die on Monday, September 13

REGULAR SESSION
1994

Convened on Wednesday, January 19, 1994
and
Adjourned sine die on Monday, May 2, 1994

Published by Authority of the
Revisor of Statutes
Honolulu, Hawaii
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3. NO. 3150
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amended to
A-3, 124A-
124A-153,

and 124A-163 to 124A-165] Military justice training. The procedures and pro-
visions of this chapter shall be carefully explained to every enlisted member at
the time of the member's enlistment or transfer or induction into, or at the time of
the member's order to duty in or with any of the state military forces or within
ninety days thereafter. They shall also be explained [annually] at least once every
three years to each unit of the state military forces. A complete text of this chap-
ter and of the rules adopted by the governor thereunder shall be made available to
any member of the state military forces[,] by the member's commander, upon the
member's request, for the member's personal examination.”

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 Statutory material to be repealed is bracketed.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 April 28, 1994.)

ACT 37  H.B. NO. 3155

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 rela-
tives 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 grandchildren, or (2) 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 lessee shall designate the per-
son 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 that person or persons need not be eighteen years of age. The designation
shall be in writing, may be specified at the time of execution of the lease with a
right in the lessee in similar manner to change the beneficiary at any time and shall
be filed with the department and approved by the department in order to be effec-
tive to vest 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; or
(2) If there is no husband and wife, then the children; or
(3) If there is no husband, wife, or child, then the grandchildren; or
(4) If there is no husband, wife, child, or grandchild, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, 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 the lessee.

In the case of the death of a lessee leaving no designated successor or successors, husband, wife, children, grandchildren, or relative qualified to be a lessee of Hawaiian home lands, the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department if authorized to lease the land to a native Hawaiian as provided in this Act.

Upon the death of a lessee who has not designated a successor and who leaves a spouse not qualified to succeed to the lease or children of qualified to succeed to the lease, or upon the death of a lessee leaving no relative qualified to be a lessee of Hawaiian home lands, or the cancellation of a lease by the department, or the surrender of a lease by the lessee, the department shall appraise the value of all the improvements and growing crops or improvements and aquacultural stock, as the case may be, and shall pay to the nonqualified spouse or the nonqualified children as the lessee shall have designated prior to the lessee’s death, or to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness to the department, or for taxes, or for any other indebtedness to the department, or for taxes, or for any other indebtedness the payment of which has been assured by the department, owed by the deceased lessee or the previous lessee. These payments shall be made out of the Hawaiian home loan fund and shall be considered an advance therefrom and shall be repaid by the successor or successors to the tract involved. If available cash in the Hawaiian home loan fund is insufficient to make these payments, payments may be advanced from the Hawaiian home general loan fund and shall be repaid by the successor or successors to the tract involved; provided that any repayment for advances made from the Hawaiian home general loan fund shall be at the interest rate established by the department for loans made from the Hawaiian home general loan fund.

The appraisal shall be made by three appraisers, one of whom shall be named by the department, one by the previous lessee or the legal representative of the deceased lessee, as the case may be, and the third shall be selected by the two appraisers aforementioned.”

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

SECTION 3. This Act shall take effect upon approval by the governor of the State of Hawaii with the consent of the United States Congress.

(Amended April 28, 1994.)