

Act 23 (HB 2165 ~~MAY~~ 28, 1976)

Act 23 enables the department to designate the location of homesites on residential lots, because of exorbitant cost to the state for site development, water, roads and utility access. Act 23 added to §207(a) after item 5 thereof the following proviso: "Provided further, that the department may designate the location of the homesite on residence lots less than 10,000 square feet."

ACT 23

"Sec. 39-5 Interest rate, denominations, maturities, place payable, medium of payment, registration, redemption and other details of bonds. All bonds issued under this part shall bear interest, payable annually or semi-annually, at a rate or rates not exceeding eight per cent a year; shall mature and be payable at such time or times from the date of the issue thereof as will comply with the provisions of the Constitution of the State; may be made payable as to both principal and interest at places within and without the State; may be issued in coupon form without privilege of registration or registrable as to principal only or as to both principal and interest or issued in fully registrable form; may be made registrable at places within and without the State; and may be made redeemable at any time or times prior to their stated maturities at prices not to exceed one hundred four per cent of the par value thereof. The director of finance shall determine the date, denomination or denominations, interest payment dates, maturities, places of payment, registration privileges and places of registration, redemption prices and time or times and method of redemption, and all other details of bonds issued under this part. The principal and interest of all bonds issued under this part shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 3. This Act shall take effect on April 1, 1976.

(Approved April 28, 1976.)

ACT 23

H.B. NO. 2165-76

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, 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 (2) not less than one hundred nor more than five hundred acres of firstclass 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; (5) not more than one acre of any class of land to be used as a residence lot; provided, however, that, in the case of any existing lease of a farm lot in the Kalaniana'ole Settlement on 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;

*Editec accordingly.

provided further, that a lease granted to any lessee may include two detached farm lots 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 or pastoral 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.*

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 3. This Act shall take effect upon its approval by the Governor of the State of Hawaii, and with the consent of the United States.

(Approved April 28, 1976.)

ACT 24

H.B. NO. 2168-76

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 204 of the Hawaiian Homes Commission Act, 1920, is amended to read:

"Sec. 204 Control by department of "available lands"; return to board of land and natural resources. when. Upon the passage of this Act, all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the department to be used and disposed of in accordance with the provisions of this title, except that:

(1) In case any available land is under lease by the Territory of Hawaii, by virtue of section 73 of the Hawaiian Organic Act, at the time of passage of this Act, such land shall not assume the status of Hawaiian home lands until the lease expires or the board of land and natural resources withdraws the lands from the operation of the lease. If the land is covered by a lease containing a withdrawal clause, as provided in subdivision (d) of section 73 of the Hawaiian Organic Act, the board of land and natural resources shall withdraw such lands from the operation of the lease whenever the department, with the approval of the Secretary of the Interior, gives notice to it that the department is of the opinion that the lands are required by it for the purposes of this title; and such withdrawal shall be held to be for a public purpose within the meaning of that term as used in subdivision (d) of section 73 of the Hawaiian Organic Act;

(2) Any available land, including lands selected by the department out of a larger area, as provided by this Act, as may not be immediately needed for the purposes of this Act, may be returned to the board of land and natural resources

*Edited accordingly.

by ordinance, any vehicle left unattended for more than twenty-four hours on private property, in any county with a population of less than one hundred thousand persons, and for any amount of time in counties with a population of more than one hundred thousand persons, without authorization of the owner or occupant of the property, may be towed away at the expense of the owner of the vehicle, by order of the owner, occupant, or person in charge of the property.

Your Committee also recommends amendments which set forth the size and location of notices which shall state where the vehicle will be towed and held and set forth limits on towing and storage charges.

Your Committee is in agreement with the intent and purpose of H.B. No. 2131-76, amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2131-76, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Takamine.

SCRep. 412-76 Judiciary on H.B. No. 500 (Majority)

The purpose of this Act is to bar discrimination against a person based on sexual orientation.

Your Committee is in agreement that the sexual orientation of a person of the State of Hawaii should not be the basis of discrimination in the areas of suspension, demotion, or dismissal from a position in the civil service, hiring practices, compensation rendered, or real estate transactions. Your Committee concurs that discrimination which occurs solely on the grounds of sexual orientation of a person is contrary to the tenets of personal freedom within the State and that this Act may help an individual achieve his fullest potential as a citizen.

Your Committee is in agreement with the intent and purpose of H.B. No. 500 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Takamine.

Representative Cobb did not concur.

SCRep. 413-76 Water, Land Use, Development, and Hawaiian Homes on
H.B. No. 2165-76 ✓

The purpose of this Act is to enable the Department to designate areas for homesites.

The Department of Hawaiian Home Lands must preclude any interpretation of the act which would permit random selection of homesites. The Waimea Ranch lots, and the Hoolehua Farm lots reflect the flagrant interpretation resulting in exorbitant costs to the state for site development, water, roads and electrical access costs.

Your Committee suggests the following amendments, to read:

Page 2, line 10: delete "shall, in all instances," and insert "may".

Page 2, line 11: delete "the" after "on"; insert "s" to "lot"; delete "." and add "less than 10,000 square feet."

Your Committee on Water, Land Use, Development, and Hawaiian Homes is in accord with the intent and purpose of H.B. No. 2165-76, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2165-76, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Oda and Roehrig.

SCRep. 414-76 Water, Land Use, Development, and Hawaiian Homes on
H.B. No. 2168-76

April 7, 1976

REPORT TO THE GOVERNOR ON BILL PASSED BY THE LEGISLATURE:

H. B. No. 2165-76

RELATING TO THE HAWAIIAN HOMES COMMISSION
ACT, 1920, AS AMENDED

GOVERNOR'S
DUE DATE:

June 7, 1976 (35th day)

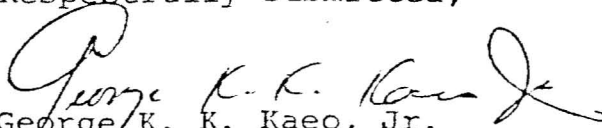
PURPOSE AND
COMMENTS:

The purpose of House Bill No. 2165-76 is to enable the Department of Hawaiian Home Lands to designate the location of the homesite on residential lots. However, such authority to designate homesites will be limited to such residential lots containing an area of less than 10,000 square feet.

OPINION AS
TO LEGALITY:

There appears to be no constitutional or other legal objections to the bill.

Respectfully submitted,


George K. K. Kaeo, Jr.
Deputy Attorney General

APPROVED:

Ronald Y. Amemiya
Attorney General

bcc: Mrs. Billie Beamer, Chairman
Reading file---admin.
Legislative file---admin.
Nam Snow
Kaeo
Reading file---legal
✓ legislative file---legal

LEGISLATIVE SESSION

HOUSE BILL NO. 2165-76

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 2, 1976 10:20 a.m.

FOR THE GOVERNOR OF HAWAII:

by Nancy Okazaki

RECEIVED
 Dept. of Attorney General
 State of Hawaii
 1976 APR - 2 PM 3:24

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

Due Date for Departmental Report: **April 20, 1976**

Due Date for Governor's Action: **June 7, 1976 (35th day)**

Referred to	Admin. Code (Dept. Use)	Departmental Recommendations (For Governor's Office Use Only)
Lt. Governor ✓ Attorney General Budget & Finance HHL	I-2	
For info only to: Legis. Ref. Bureau Info & Youth Affairs		

ACTION TAKEN:

DATE:

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
EIGHTH LEGISLATURE, 1976
STATE OF HAWAII

H. B. NO. 2165-76
E. D. 1

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
5 or tracts of Hawaiian home lands within the following
6 acreage limits per each lessee: (1) not less than one nor
7 more than forty acres of agriculture lands; or (2) not less
8 than one hundred nor more than five hundred acres of first-
9 class pastoral lands; or (3) not less than two hundred and
10 fifty nor more than one thousand acres of second-class
11 pastoral lands; or (4) not less than forty nor more than
12 one hundred acres of irrigated pastoral lands; (5) not
13 more than one acre of any class of land to be used as a
14 residence lot; provided, however, that, in the case of
15 any existing lease of a farm lot in the Kalaniana'ole
16 Settlement on Molokai, a residence lot may exceed one
17

1 acre but shall not exceed four acres in area, the location
2 of such area to be selected by the [lessee concerned:]
3 department; provided further, that a lease granted to any
4 lessee may include two detached farm lots located on the same
5 island and within a reasonable distance of each other, one of
6 which, to be designated by the department, shall be occupied by
7 the lessee as his home, the gross acreage of both lots not to
8 exceed the maximum acreage of an agricultural or pastoral lot,
9 as the case may be, as provided in this section[.]; provided
10 further, that the department may designate the location of the
11 homesite on residence lots less than 10,000 square feet."

12 SECTION 2. Statutory material to be repealed is bracketed.
13 New material is underscored. In printing this Act, the revisor
14 of statutes need not include the brackets, the bracketed
15 material or the underscoring.

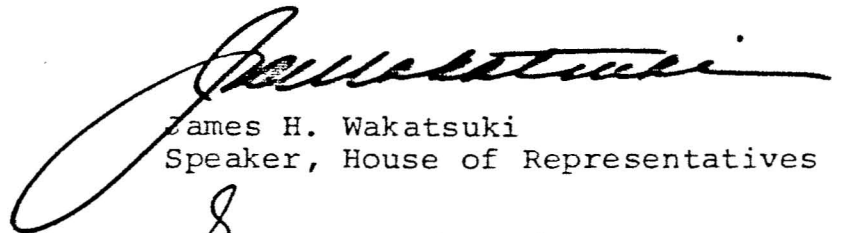
16 SECTION 3. This Act shall take effect upon its approval
17 by the Governor of the State of Hawaii, and with the consent
18 of the United States.

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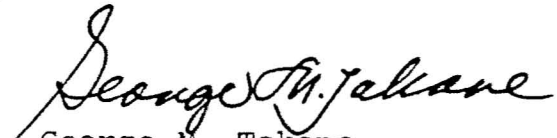
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

March 31, 1976
Honolulu, Hawaii

We hereby certify that the foregoing Bill passed Third Reading in the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976 on March 15, 1976.



James H. Wakatsuki
Speaker, House of Representatives

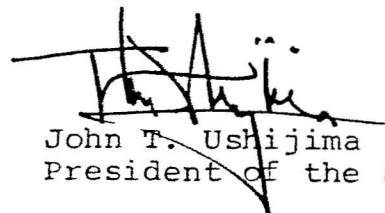


George M. Takane
Clerk, House of Representatives

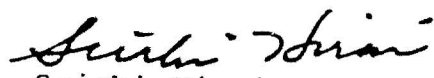
THE SENATE OF THE STATE OF HAWAII

March 31, 1976
Honolulu, Hawaii

We hereby certify that the foregoing Bill passed Third Reading in the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1976 on March 30, 1976.



John T. Ushijima
President of the Senate



Seichi Hirai
Clerk of the Senate

Honolulu, Hawaii
March 19, 1976

The Honorable John T. Ushijima
President of the Senate
Eighth State Legislature
Regular Session of 1976
State of Hawaii

Sir:

RE: H.B. No. 2165-76, H.D. 1

Your Committee on Housing and Hawaiian Homes to which was referred H.B. No. 2165-76, 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:

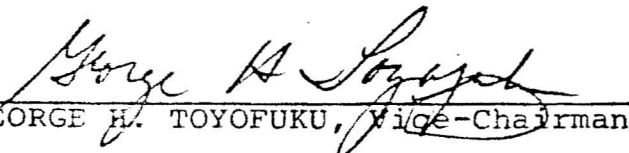
The purpose of this bill is to enable the Department of Hawaiian Home Lands to designate the location of the homesite on residential lots of less than 10,000 square feet.

Section 207(a) of the Hawaiian Homes Commission Act allows location of homesites at the option of lessees. The Waimea ranch lots and the Hoolehua farm lots reflect the flexible interpretation of this provision which resulted in exorbitant costs to the State for site development, water, roads, and electric utility access.

Your Committee on Housing and Hawaiian Homes is in accord with the intent and purpose of H.B. No. 2165-76, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

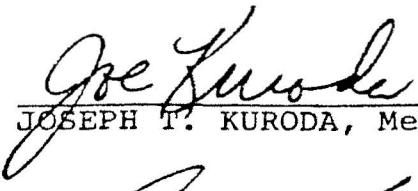
Respectfully submitted,


PATSY K. YOUNG, Chairman

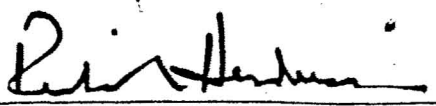

GEORGE H. TOYOFUKU, Vice-Chairman



D. G. ANDERSON, Member



JOSEPH T. KURODA, Member



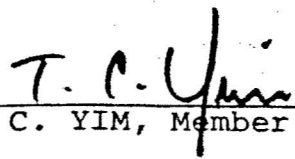
RICHARD HENDERSON, Member



DONALD S. NISHIMURA, Member



FRANCIS A. WONG, Member



T. C. YIM, Member

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AS AMENDED.

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1 acre but shall not exceed four acres in area, the location
 2 of such area to be selected by the [lessee concerned:]
 3 department; provided further, that a lease granted to any
 4 lessee may include two detached farm lots located on the same
 5 island and within a reasonable distance of each other, one of
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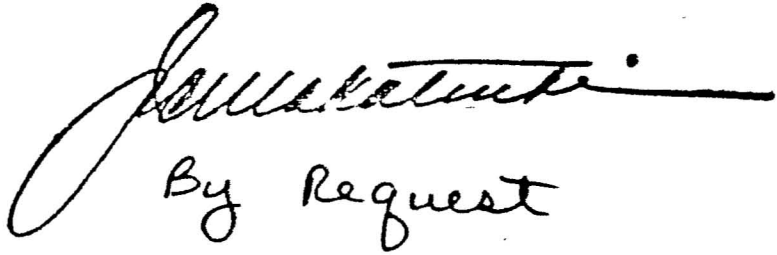
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INTRODUCED BY:


 By Request

JAN 27 1976

JUSTIFICATION SHEET

Department: Department of Hawaiian Home Lands Date: 9-2-75

Title: An Act relating to location of residence under the Hawaiian Homes Commission Act, 1920, as amended.

Purpose: To enable the Department to designate areas for homesites.

Means: Amend Section 207 of the Hawaiian Homes Commission Act, 1920, as amended.

Justification: The Department of Hawaiian Home Lands must preclude any interpretation of the act which would permit random selection of homesites. The Waimea Ranch lots, and the Hoolehua Farm lots reflect the flagrant interpretation resulting in exorbitant costs to the state for site development, water, roads and electrical access costs.

General Fund: None required.

Other Funds: None required.

PPBS Program Designation: HHL 111, HHL 101, HHL 601, HHL 611.

Other Agencies Affected: None.