

ENDNOTES

An asterisk (*) within an endnote denotes the first textual change made by an amendment, and subsequent textual changes made by the same amendment are cross-referenced throughout the document.

¹Small capitals styling of “Title” and “Section” references, as well as the text of titles and captions, is the applied style of this document. Although small capitals were used by Congress in the original HHCA and in Congressional amendments through at least 1935, Congress used regular styling and capitalization in its amendments of 1941, including in its insertion of a section caption for section 202.

²Act 349, 1990, Haw. Sess. Laws. Adding the following text within []: *TITLE 1A: PURPOSE. SEC. 101. (a) The Congress of the United States and the State of Hawaii declare that the policy of this Act is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians. (b) The principal purposes of this Act include but are not limited to: (1) Establishing a permanent land base for the benefit and use of native Hawaiians, upon which they may live, farm, ranch, and otherwise engage in commercial or industrial or any other activities as authorized in this Act. (2) Placing native Hawaiians on the lands set aside under this Act in a prompt and efficient manner and assuring long-term tenancy to beneficiaries of this Act and their successors; (3) Preventing alienation of the fee title to the lands set aside under this Act so that these lands will always be held in trust for continued use by native Hawaiians in perpetuity; (4) Providing adequate amounts of water and supporting infrastructure, so that homestead lands will always be usable and accessible; and (5) Providing financial support and technical assistance to native Hawaiian beneficiaries of this Act so that by pursuing strategies to enhance economic self-sufficiency and promote community-based development, the traditions, culture and quality of life of native Hawaiians shall be forever self-sustaining. (c) In recognition of the solemn trust created by this Act, and the historical government to government relationship between the United States and the Kingdom of Hawaii, the United States and the State of Hawaii hereby acknowledge the trust established under this Act and affirm their fiduciary duty to faithfully administer the provisions of this Act on behalf of the native Hawaiian beneficiaries of the Act. (d) Nothing in this Act shall be construed to: (1) Affect the rights of the descendants of the indigenous citizens of the Kingdom of Hawaii to seek redress of any wrongful activities associated with the overthrow of the Kingdom of Hawaii; or (2) Alter the obligations of the United States and the State of Hawaii to carry out their public trust responsibilities under section 5 of the Admission Act to native Hawaiians and other descendants of the indigenous citizens of the Kingdom of Hawaii. Note: The Department interprets Act 349’s requirement of the consent of the United States Congress to be the consent of the United States.*

³*Act 197, 1997, Haw. Sess. Laws (also removing brackets surrounding section titles for sections 201, 205, 206, 210, 211, 217, and 227).

⁴ Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(1) *The term*; capitalizing first word of sentence.

⁵ Act 197, 1997, Haw. Sess. Laws.

⁶ Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(2) *The term*; capitalizing first word of sentence.

⁷ Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(3) *The term*; capitalizing first word of sentence.

⁸ Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(4) *The term*

⁹ Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(5) *The term*

¹⁰ Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(6) *The term*; capitalizing first word of sentence.

¹¹ Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(7) *The term*; capitalizing first word of sentence.

¹² Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []:(8) *The term*; capitalizing first word of sentence.

¹³ *Hawaiian Homes Commission-Lease of Irrigated Lands for Grazing, Pub. L. No. 83-417, 68 Stat. 263 (1954).*

¹⁴*Act 302, 2001, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []:*SEC. 201.5. FEDERAL REAFFIRMATION. The United States and State of Hawaii hereby reaffirm and recognize that:(1)The native Hawaiian people are a distinct native, indigenous people who have maintained their own language, culture, and traditions, and have established Hawaiian home lands areas protected under federal and*

state law; (2) The United States has a unique trust responsibility to promote the welfare of the aboriginal, indigenous people of the State, and the federal government has delegated broad authority to the State to act for their betterment; and (3) The aboriginal, indigenous people of the State retain their inherent sovereign authority and their right to organize for their common welfare. Note: The Department interprets Act 302's requirement of the consent of Congress to be the approval of Congress.

¹⁵Act 302, 2001, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []: *SEC. 201.6. COMMUNITY BASED GOVERNANCE ON HAWAIIAN HOME LANDS. It is the policy of the State to support participation in governance by promoting the empowerment of democratically-elected Hawaiian homestead community self-governance organizations. In furtherance of this policy, and with the consent of the Congress of the United States, the State may delegate to a democratically-elected organization representing a Hawaiian homestead community or communities the authorities delegated to the State by the United States, relating to the administration of the Hawaiian Home Commission Act, 1920, as amended. The commission may establish a working relationship with a democratically-elected Hawaiian homestead community self-governance organization to promote community welfare. The selection of authorities to be delegated shall be left to the Hawaiian homes commission's discretion. The commission may establish criteria to determine the boundaries and location of a Hawaiian homestead community and whether a Hawaiian homestead community organization is eligible for delegation. Criteria for eligibility shall include but not be limited to the following: (1) The organization and its leadership is a bona fide representative body of native Hawaiian residents, homestead lessees, qualified successors residing within the homestead community, and native Hawaiians who have designated that homestead community as their primary choice of residence with the department of Hawaiian home lands and who are awaiting an award of a lease under this Act; (2) The organization is governed by free and fair elections; and (3) The organization demonstrates sufficient capacity to implement the authorities that are delegated. The commission may contract with and delegate authority to a Hawaiian homestead community self-governance organization to perform governmental services for the homestead community represented by that homestead organization. Any such contract shall include a requirement that the government service shall be performed at a level and quality comparable to the services that would otherwise be provided by the department of Hawaiian home lands. The department of Hawaiian home lands may adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to implement this section. Note: The Department interprets Act 302's requirement of the consent of Congress to be the approval of Congress.*

¹⁶Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *COMMISSION; MEMBERS, OFFICERS, COMPENSATION.— {Pub. L. No. 82-485, 66 Stat. 515 (1952)} (a) There is hereby established a commission to be known as the 'Hawaiian Homes Commission' []{Pub. L. No. 82-485, 66 Stat. 515 (1952)} to be composed of seven members, four of whom, including the chairman, shall be residents of the city and county of Honolulu; of the remaining members, one shall be a resident of the county of Hawaii, one a resident of the county of Maui, and one a resident of the county of Kauai {Pub. L. No. 82-485, 66 Stat. 515 (1952)}. The members shall be appointed by the Governor and may be removed in the manner provided by section 80 of the []{Pub. L. No. 82-485, 66 Stat. 515 (1952)} Hawaiian Organic Act, as amended. All of the members shall have been residents of the Territory of Hawaii at least three years prior to their appointment and at least ~~three~~{Pub. L. No. 82-485, 66 Stat. 515 (1952)} four {Pub. L. No. 82-485, 66 Stat. 515 (1952)} of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands ~~previous~~{Pub. L. No. 82-485, 66 Stat. 515 (1952)} prior {(Pub. L. No. 82-485, 66 Stat. 515 (1952))} to 1778.{Pub. L. No. 74-223, 49 Stat. 504 (1935)}. []¹⁶{Pub. L. No. 74-223, 49 Stat. 504 (1935)} (b) Any vacancy in the office of an appointed member shall be filled in the same manner and under the []{Pub. L. No. 74-223, 49 Stat. 504 (1935)} limitations of this Act.{ Pub. L. No. 74-223, 49 Stat. 504 (1935)} (c) []{Pub. L. No. 74-223, 49 Stat. 504 (1935)} One of the members shall be designated by the Governor as chairman. An executive officer and such clerical assistants as may be necessary shall be appointed by the Commission to serve at its pleasure. The executive officer shall []{Pub. L. No. 78-320, 58 Stat. 260 (1944)} reside habitually at the major Hawaiian Homes Settlement. He shall receive an annual salary in such amount as shall be set by the Commission, from time to time, not to exceed \$6,000: Provided, That if the compensation for like positions in the Territorial service is fixed by classification thereof, pursuant to any schedule established by legislative or executive authority, such compensation may equal but shall not exceed the amount certified for the position by the Board, Commission, officer, or other agency determining such classifications for the Territorial procedure.{ Pub. L. No. 78-320, 58 Stat. 260 (1944)} Clerical assistants shall be paid in accordance with Territorial practice for such services. The members of the Commission shall serve without pay, but shall receive actual expenses incurred by*

them in the discharge of their duties as such members. []{Pub. L. No. 82-485, 66 Stat. 515 (1952)} The members of the Commission shall hold office for terms of five years except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds.{ Pub. L. No. 82-485, 66 Stat. 515 (1952)}

¹⁷ Act 174, 1977, Haw. Sess. Laws is the earliest amendment on file incorporating this section title as currently reflected by the HHCA.

¹⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []:*14A-3, revised laws of Hawaii 1955, as amended*

¹⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws.

²⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []:*seven members, four of whom shall be residences of the city and county of Honolulu; of the remaining members one shall be a resident of the county of Hawaii, one a resident of the county Maui, and one a resident of the county Kauai.*

²¹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 265, 1989, Haw. Sess. Laws.

²² Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 265, 1989, Haw. Sess. Laws. Deleting the following text within []:*of whom one shall be a resident of the Third Senatorial District, a second shall be a resident of the Fourth Senatorial District, and a third shall be a resident of either the Fifth, Sixth, or Seventh Senatorial District*

²³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []:*of Hawaii*

²⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []:*and shall be compensated therefor in the sum of \$18,500 per annum.*

²⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []:*3-20 (o) Revised Laws of Hawaii 1955, as amended*

²⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []:*All other positions in the department shall be subject to the provisions of chapters 3 and 4, Revised Laws of Hawaii 1955, as amended, and employees having tenure, according to the employment practices of the department, immediately prior to the passage of this Act and occupying positions in accordance with the State's position classifications and compensation plans shall be given permanent appointment status under chapter 3 without a reduction in pay or the loss of seniority, prior service credit, vacation or sick leave earned heretofore. An employee with tenure who does not occupy a position under chapters 3 and 4*

²⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 295, 1985, Haw. Sess. Laws.

²⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 295, 1985, Haw. Sess. Laws. Deleting the following text within []:*consisting of qualified aides in finance and funding, planning and development, legal matters, agriculture and ranching, and other individuals*

²⁹ Act 148, 2002, Haw. Sess. Laws. Deleting the following text within []:*77,*

³⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []:*development,*

³¹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws.

³² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 199, 1984, Haw. Sess. Laws. Deleting the following text within []:*and no individual*

³³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 199, 1984, Haw. Sess. Laws.

³⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 199, 1984, Haw. Sess. Laws. Deleting the following text within []:*the provisions of*

³⁵ *Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within []:*chapters chapter*

³⁶ Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within []:*and 77*

³⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws.

³⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 295, 1985, Haw. Sess. Laws. Deleting the following text within []:*and employees having tenure, according to the employment practices of the department, immediately prior to June 20, 1963 and occupying positions in accordance with the state's position classifications and compensation plans shall be given permanent appointment status under chapter 76 without a reduction in pay or the loss of seniority, prior service credit, vacation or sick leave earned heretofore. An employee with tenure occupy a position under chapters 76 and 77{Act 174, 1977, Haw. Sess. Laws} shall be appointed to the position after it has been classified and assigned to an appropriate salary range by the director of personnel services and such employee shall not suffer a reduction in pay or loss of seniority and other credits earned heretofore.*

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- ³⁹Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within []: ~~vacancies vacant~~
- ⁴⁰ Act 148, 2002, Haw. Sess. Laws. Adding the following text within []: civil service
- ⁴¹ Act 148, 2002, Haw. Sess. Laws. Deleting the following text within []: *which are*
- ⁴² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 199, 1984, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*
- ⁴³ Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within []: ~~chapters chapter~~
- ⁴⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []: *3 and 4, Revised Laws of Hawaii 1955, as amended*
- ⁴⁵ Act 148, 2002, Haw. Sess. Laws. Deleting the following text within []: *and 77*
- ⁴⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []: *3-21 (e) and (l), Revised Laws of Hawaii 1955, as amended*
- ⁴⁷ Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within []: ~~sections 76-23 and 76-34 section 76-22.5~~
- ⁴⁸ Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within []: ; ;
- ⁴⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws.
- ⁵⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 150, 1990, Haw. Sess. Laws. Added the text "or under Section __ of the Act of _____ (__ Stat. __, __)." Also removes brackets surrounding the section title.
- ⁵¹ Pub. L. No. 75-200, 50 Stat. 497 (1937).
- ⁵² Pub. L. No. 73-227, 48 Stat. 777 (1934).
- ⁵³ Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within []: *Fifty-seven*
- ⁵⁴ Pub. L. No. 77-325, 55 Stat. 782 (1941).
- ⁵⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 150, 1990, Haw. Sess. Laws. Deleting the following text within []: *Puuowaina*
- ⁵⁶ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 150, 1990, Haw. Sess. Laws. Deleting the following text within []: *REF. SUB-PARAGRAPH (4) IN WITHDRAWAL OF 'AVAILABLE LANDS' (III) [] {Pub. L. 75-200, 50 Stat. 497 (1937)} Portion of the land of Kalawahine situate mauka or northeast of Roosevelt High School, Honolulu, Oahu. {Pub. L. No. 75-200, 50 Stat. 497 (1937)} Being portion of L.C. award 11215, Apana 2, to Keliiahonui conveyed by W.M. Giffard to the Territory of Hawaii by deed dated February 1, 1907, and recorded in liber 291, page 1. (Being portion of the lands set aside for the Hawaiian Homes Commission by the Seventy-third Congress by Act Numbered 227, approved May 16, 1934.) Beginning at the south corner of this parcel of land and near the east corner of Roosevelt High School lot, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl", being twenty-five and two one-hundredths feet south and four thousand one hundred and seventeen and thirty-nine one-hundredths feet east as shown on Government survey registered map numbered 2985 and running by azimuths measured clockwise from true south: 1. One hundred and twenty-eight degrees fifty-four minutes seven hundred and six and thirteen one-hundredths feet along Roosevelt High School lot, and passing over a pipe at six hundred eighty-four and thirteen one-hundredths feet; 2. Thence up along the middle of stream in all its turns and windings along the land of Kewalo-uka to the south corner of Hawaiian Home Land (Presidential Executive Order Numbered 5561), the direct azimuth and distance being two hundred and thirteen degrees forty-eight minutes forty seconds one thousand one hundred twelve and twenty one-hundredths feet; 3. Thence continuing up along the middle of stream in all its turns and windings along the land of Kewalo-uka (Presidential Executive Order Numbered 5561) to the south side of Tantalus Drive realignment, the direct azimuth and distance being two hundred and twenty-eight degrees twenty-nine minutes ten seconds one thousand three hundred and ninety-one feet; 4. Thence on a curve to the right with a radius of one hundred twenty and seventy-eight one-hundredths feet along the southerly side of Tantalus Drive realignment (sixty feet wide), the direct azimuth and distance being three hundred and fifty-eight degrees twenty-one minutes one hundred ninety-three and eighty one-hundredths feet; 5. Fifty-one degrees forty-two minutes one hundred ninety-three and thirty-five one-hundredths feet along the southerly side of Tantalus Drive realignment; 6. Thence on a curve to the left with a radius of three hundred and thirty feet, along same, the direct azimuth and distance being twenty-five degrees twenty-three minutes ten seconds two hundred ninety-two and fifty-eight one-hundredths feet; 7. Twenty-two degrees fifty-three minutes two hundred ninety-one and ninety-three one-hundredths feet along the southerly side of Tantalus Drive realignment and along the west side of Kalawahine Slope lots; 8. Thence on a curve to the left with a radius of three hundred, five and sixty one-hundredths feet along the west side of the Kalawahine Slope lots, the direct azimuth and distance being six degrees twenty-one minutes thirty seconds one hundred seventy-three and eighty-five one-hundredths feet; 9.*

Three hundred and forty-nine degrees fifty minutes forty-seven feet along the west side of the Kalawahine Slope lots; 10. Thence on a curve to the right with a radius of five hundred and twenty feet along same and along Territorial land, the direct azimuth and distance being seventeen degrees thirty-one minutes four hundred eighty-three and eighteen one hundredths feet; 11. Three hundred and fifteen degrees twelve minutes seventy-five feet along Territorial land; 12. Forty-five degrees twelve minutes six hundred eleven and two one-hundredths feet along the northwest side of a twenty-foot road reserve; 13. Thirty-four degrees four minutes thirty seconds three hundred thirty-six and ninety-six one-hundredths feet along same to the point of beginning and containing an area of thirty-one and sixty one-hundredths acres {Pub. L. No. 75-200, 50 Stat. 497 (1937)}

⁵⁷ Pub. L. No. 82-481, 66 Stat. 511 (1952).

⁵⁸ Pub. L. No. 80-581, 62 Stat. 295 (1948).

⁵⁹ Pub. L. No. 80-594, 62 Stat. 303 (1935).

⁶⁰ Pub. L. No. 74-397, 49 Stat. 966 (1935).

⁶¹ Pub. L. No. 78-320, 58 Stat. 260 (1944).

⁶² Pub. L. No. 80-634, 62 Stat. 387 (1948).

⁶³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []:*Commissioner of Public Lands*

⁶⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []:*Commissioner of Public Lands*

⁶⁵ Pub. L. No. 82-481, 66 Stat. 511 (1952). Deleting the following text within []: *are on the date of the enactment of this Act residing on the lands of Auwaiolimu, Kewalo, and Kalawahine on the island of Oahu placed under the control of the Hawaiian Homes Commission by this Act, shall be given first opportunity to lease such lands on which they reside.* {Pub. L. No. 73-227, 48 Stat. 777 (1934)}

⁶⁶ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 24, 1976, Haw. Sess. Laws (earliest amendment on file that incorporates the section title).

⁶⁷ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 14, 1990, Haw. Sess. Laws (adds to section title as currently reflected by the HHCA).

⁶⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 3, 1978.

⁶⁹ Pub. L. No. 70-105, 45 Stat. 246 (1928). Deleting the following text within []: *For a period of five years after the first meeting of the Hawaiian Homes Commission only those lands situate on the island of Molokai, which are particularly named in paragraphs 1 and 3 of section 203 hereof; Waimanu, in the district of Hamakua; Keaaukaha, in the district of South Hilo; and Panaewa, Waiakea, in the district of South Hilo, island of Hawaii, shall be available for use and disposition by said commission under the provisions of this title and none of the of remaining available lands named in said section 203 shall, after the expiration of the said five-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States.*

⁷⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []:*Commissioner of Public Lands*

⁷¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 60, 1985, Haw. Sess. Laws. Deleting the following text within []:*subdivision (d) of*

⁷² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 60, 1985, Haw. Sess. Laws.

⁷³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []:*Commissioner of Public Lands*

⁷⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 3, 1978. Deleting the following text within []: *with the approval of the Secretary of the Interior,*

⁷⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 3, 1978. Deleting the following text within []:~~Act 24, 1976, Haw. Sess. Laws~~ *it* {Act 24, 1976, Haw. Sess. Laws}

⁷⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 60, 1985, Haw. Sess. Laws. Deleting the following text within []:*subdivision (d) of*

⁷⁷ Pub. L. No. 70-105, 45 Stat. 246 (1928).

⁷⁸ Pub. L. No. 70-105, 45 Stat. 246 (1928). Deleting the following text within []: *In case any available land is under lease at the time of the passage of this Act such land shall not assume the status of Hawaiian home lands until the lease expires or the commissioner of public lands 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 commissioner of public lands shall withdraw such lands from the operation of the*

lease whenever the commission with the approval of the Secretary of the Interior gives notice to him that the commission is of the opinion that the lands are required by it for leasing as authorized by the provisions of section 207, or for a community pasture as provided in section 211 of this title. 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.

⁷⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 3, 1978. Deleting the following text within []: *as may not be immediately needed for the purposes of this Act,*

⁸⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*

⁸¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *Commissioner of Public Lands*

⁸² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 3, 1978. Deleting the following text within []: *and may be leased by ~~him~~ {Act 271, H.B. 557 (1965)} it{ Act 271, H.B. 557 (1965)} as provided []{Act 271, H. B. 557 (1965)} []{Act 24, 1976, Haw. Sess. Laws} in chapter 171, Hawaii Revised Statutes, {Act 24, 1976, Haw. Sess. Laws}*

⁸³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 271, 1965, Haw. Sess. Laws.

⁸⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 3, 1978. Deleting the following text within []: *Any lease by the board of land and natural resources of Hawaiian home lands hereafter entered into shall contain a withdrawal clause, and lands so leased shall be withdrawn by the board of land and natural resources, for the purposes of this Act, upon the department giving at its option, not less than one nor more than five years' notice of such withdrawal; provided, that the minimum withdrawal notice period shall be specifically stated in such lease.*{Act 271, 1965, Haw. Sess. Laws}

⁸⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 24, 1976, Haw. Sess. Laws. Deleting the following text within []: *by lease or license to the general public,*

⁸⁶ *Act 119, 2000, Haw. Sess. Laws.

⁸⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 24, 1976, Haw. Sess. Laws. Deleting the following text within []: *public lands in chapter 103A*

⁸⁸ Act 119, 2000, Haw. Sess. Laws. Deleting the following text within []: *of a lease*

⁸⁹ Act 119, 2000, Haw. Sess. Laws.

⁹⁰ Act 119, 2000, Haw. Sess. Laws. Deleting the following text within []: *section 171-59, Hawaii Revised Statutes, subject to the notice requirement of section 171-16(c), Hawaii Revised Statutes, and the lease rental limitations imposed by section 171-17(b)*

⁹¹ Act 173, 2014, Haw. Sess. Laws. . Adding the following text which requires Congressional approval within []: *; provided further that in addition to dispositions made pursuant to chapter 171, Hawaii Revised Statutes, the department may lease by direct negotiation and at fair market rents, and for a term not to exceed five years, any improvements on Hawaiian home lands, or portions thereof, that are owned or controlled by the department.*

⁹² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: *(3) []{Pub. L. No. 70-105, 45 Stat. 246 (1928)}.The ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} shall not lease, use, nor dispose of more than twenty thousand (20,000) acres of the area of Hawaiian home lands, for settlement by native Hawaiians, in any calendar five-year period.*{Pub. L. No. 70-105, 45 Stat. 246 (1928)}

⁹³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: *the governor and*

⁹⁴ Pub. L. No. 83-415, 68 Stat. 259 (1954). Deleting the following text within []: *at Waimanalo, Island of Oahu, for similarly located publicly owned lands*

⁹⁵ Pub. L. No. 83-415, 68 Stat. 259 (1954).

⁹⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: *the same*

⁹⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 60, 1985, Haw. Sess. Laws. Deleting the following text within []: *hereof,*

⁹⁸ Pub. L. No. 83-297, 68 Stat. 16 (1954).

⁹⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *Commissioner of Public Lands and*

¹⁰⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *Board of Public Lands*. {Act 207, 1963, Haw. Sess. Laws}

¹⁰¹ *Act 283, 1989, Haw. Sess. Laws. Adding the following text: In addition and supplemental to the powers granted to the department by law, and notwithstanding any law to the contrary, the department may:

- (1) With the approval of the governor, undertake and carry out the development of any Hawaiian home lands available for lease under and pursuant to section 207 of this Act by assembling these lands in residential developments and providing for the construction, reconstruction, improvement, alteration or repair of public facilities therein, including, without limitation, streets, storm drainage systems, pedestrian ways, water facilities and systems, sidewalks, street lighting, sanitary sewerage facilities and systems, utility and service corridors, and utility lines, where applicable sufficient to adequately service developable improvements therein, sites for schools, parks, off-street parking facilities, and other community facilities;
- (2) With the approval of the governor, undertake and carry out the development of available lands for homestead, commercial, and multipurpose projects as provided in section 220.5 of this Act, as a developer under this section or in association with a developer agreement entered into pursuant to this section by providing for the construction, reconstruction, improvement, alteration, or repair of public facilities for development, including, without limitation, streets, storm drainage systems, pedestrian ways, water facilities and systems, sidewalks, street lighting, sanitary sewerage facilities and systems, utility, and service corridors, and utility lines, where applicable, sufficient to adequately service developable improvements therein, sites for schools, parks, off-street parking facilities, and other community facilities;
- (3) With the approval of the governor, designate by resolution of the commission all or any portion of a development or multiple developments undertaken pursuant to this section an “undertaking” under part III of chapter 39, Hawaii Revised Statutes; and
- (4) Exercise the powers granted under section 39-53, Hawaii Revised Statutes, including the power to issue revenue bonds from time to time as authorized by the legislature.

All provisions of part III of chapter 39, Hawaii Revised Statutes, shall apply to the department and all revenue bonds issued by the department shall be issued pursuant to the provisions of that part, except these revenue bonds shall be issued in the name of the department, and not in the name of the State.

As applied to the department, the term “undertaking” as used in part III of chapter 39 shall include a residential development or a development of homestead, commercial, or multipurpose projects under this Act. The term “revenue” as used in part III of chapter 39, shall include all or any portion of the rentals derived from the leasing of Hawaiian home lands or available lands, whether or not the property is a part of the development being financed.

¹⁰² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *the Commissioner of Public Lands*

¹⁰³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *board of public lands*

¹⁰⁴ Section title is not officially incorporated in any amendments on file, but is currently reflected in the HRS.

¹⁰⁵ Pub. L., No. 80-638, 62 Stat. 390 (1948).

¹⁰⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 69, 1985, Haw. Sess. Laws. Deleting the following text within []: *Not less than β* {Pub. L. No. 75-200, 50 Stat. 497 (1937)} *one nor*

¹⁰⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 69, 1985, Haw. Sess. Laws.

¹⁰⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws (amends section 219 section caption)

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- ¹⁰⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 69, 1985, Haw. Sess. Laws. Deleting the following text within []: *Not less than one hundred nor*
- ¹¹⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 69, 1985, Haw. Sess. Laws. Deleting the following text within []: *first-class*
- ¹¹¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 69, 1985, Haw. Sess. Laws. Deleting the following text within []: *(3) Not less than two hundred and {Act 27, 1984, Haw. Sess. Laws} fifty nor more than one thousand acres of second-class pastoral lands [] {Pub. L. No. 78-320, 58 Stat. 260 (1944)}; or (4) not less than forty nor more than one hundred acres of irrigated pastoral lands; or (4) (5) {Pub. L. No. 83-417, 68 Stat. 263 (1954)}*
- ¹¹² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws. Deleting the following text within []: *, however,*
- ¹¹³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 23, 1976, Haw. Sess. Laws. Deleting the following text within []: *lessee concerned:*
- ¹¹⁴ Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: *both a residence and an agricultural or pastoral lot, the gross acreage of both lots not to exceed the maximum acreage of either the agricultural or pastoral lot, as the case may be, and as provided for in this section: And provided further, That any such detached residence lot shall be located on the same island as the agricultural or pastoral lot concerned, and within a reasonable distance thereof. The Commission is also 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. {Pub. L. No. 78-320, 58 Stat. 260 (1944)}*
- ¹¹⁵ *Hawaiian Homes Commission Act, Pub. L. No. 80-638, 62 Stat. 390 (1948).
- ¹¹⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 27, 1984, Haw. Sess. Laws. Deleting the following text within []: *; provided further, that the department may designate the location of the homesite on residence lots less than 10,000 square feet. {Act 23, 1976, Haw. Sess. Laws}*
- ¹¹⁷ Act 196, 1997, Haw. Sess. Laws. Deleting the following text within []: *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. {Act 27, 1984, Haw. Sess. Laws}*
- ¹¹⁸ Act 196, 1997, Haw. Sess. Laws. Deleting the following text within []: *United States*
- ¹¹⁹ Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: *to churches, hospitals, public schools, and stores (the latter to be owned by lessees or by organizations formed and controlled by said lessees) for lots within the district in which agricultural lands are leased under the provisions of this section. {Pub. L. No. 78-320, 58 Stat. 260 (1944)}*
- ¹²⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 125, 1983, Haw. Sess. Laws. Deleting the following text within []: *for terms of not to exceed twenty-one years in each case, to public utility companies or corporations*
- ¹²¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 37, 1984, Haw. Sess. Laws.
- ¹²² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 125, 1983, Haw. Sess. Laws. Deleting the following text within []: *-*
- ¹²³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 125, 1983, Haw. Sess. Laws.
- ¹²⁴ Pub. L. No. 85-733, 72 Stat. 822 (1958)
- ¹²⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 125, 1983, Haw. Sess. Laws.
- ¹²⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 125, 1983, Haw. Sess. Laws.
- ¹²⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 37, 1984, Haw. Sess. Laws. Deleting the following text within []: *lessees of the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} {Act 207, 1963, Haw. Sess. Laws}*
- ¹²⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 37, 1984, Haw. Sess. Laws. Deleting the following text within []: *said lessees*
- ¹²⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 159, 1985, Haw. Sess. Laws. Deleting the following text within []: *, with the approval of the governor,*
- ¹³⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 159, 1985, Haw. Sess. Laws. Deleting the following text within []: *for terms not to exceed five years,*
- ¹³¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 159, 1985, Haw. Sess. Laws. Deleting the following text within []: *provided, that any such license may be extended from time to time by the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}, 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 ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} in carrying on*
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its duties, nor interfere in any way with the ~~commission's~~{Act 207, 1963, Haw. Sess. Laws} department's {Act 207, 1963, Haw. Sess. Laws} operation or maintenance activities.

¹³² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 125, 1983, Haw. Sess. Laws.

¹³³ *Act 196, 1997, Haw. Sess. Laws.

¹³⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 175, 1974, Haw. Sess. Laws. Deleting the following text within []:*in* (amends section title as currently reflected).

¹³⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 66, 1973, Haw. Sess. Laws (earliest amendment on file that incorporates the section title.).

¹³⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*the provisions of*

¹³⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 60, 1985, Haw. Sess. Laws. Deleting the following text within []:*twenty-one*

¹³⁸ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 305, 1990, Haw. Sess. Laws.

¹³⁹ Act 17, 1999, Haw. Sess. Laws. Deleting the following text within []:~~his~~{Act 60, 1985, Haw. Sess. Laws} *the person's* {Act 60, 1985, Haw. Sess. Laws}

¹⁴⁰ *Act 17, 1999, Haw. Sess. Laws.

¹⁴¹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 305, 1990, Haw. Sess. Laws. Deleting the following text within []:*lease is made*

¹⁴² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*The lessee of agricultural lands shall plant and maintain not less than five, ten, fifteen and twenty trees per acre of land leased, and the lessee of pastoral lands shall plant and maintain not less than two, three, four and five trees per acre of land leased during the first, second, third and fourth years, respectively, after the date of lease. Such trees shall be of types approved by the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} and at locations specified by the ~~commission's~~{Act 207, 1963, Haw. Sess. Laws} department's {Act 207, 1963, Haw. Sess. Laws} agent. Such planting and maintenance shall be by or under the immediate control and direction of the lessee. Such trees shall be furnished by the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} free of charge {Pub. L. No. 77-325, 55 Stat. 782 (1941)}.*

¹⁴³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 60, 1985, Haw. Sess. Laws. Deleting the following text within []:*by regulation*

¹⁴⁴ Act 17, 1999, Haw. Sess. Laws. Deleting the following text within []:~~his~~{Act 60, 1985, Haw. Sess. Laws} *the person's* {Act 60, 1985, Haw. Sess. Laws}

¹⁴⁵ *Act 17, 1999, Haw. Sess. Laws.

¹⁴⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 146, 1967, Haw. Sess. Laws. Deleting the following text within []: *The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind{Pub. L. No. 75-200, 50 Stat. 497 (1937)}, except a native Hawaiian or Hawaiians {Pub. L. No. 75-200, 50 Stat. 497 (1937)}, and then only upon the approval of the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract.*

¹⁴⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 284, 1985, Haw. Sess. Laws. Deleting the following text within []:*or mortgage, pledge,*

¹⁴⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 284, 1985, Haw. Sess. Laws. Deleting the following text within []:*mortgage, pledge,*

¹⁴⁹ Act 17, 1999, Haw. Sess. Laws. Deleting the following text within []:~~his~~{Act 60, 1985, Haw. Sess. Laws} *the person's* {Act 60, 1985, Haw. Sess. Laws}

¹⁵⁰ *Act 12, 2002, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []:
A lessee who is at least one-quarter Hawaiian who has received an interest in the tract through succession or transfer may, with the approval of the department, transfer the lessee's leasehold interest to a brother or sister who is at least one-quarter Hawaiian.

¹⁵¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 284, 1985, Haw. Sess. Laws. Deleting the following text within []:*mortgage, or pledge*

¹⁵² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 146, 1967, Haw. Sess. Laws.

¹⁵³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 146, 1967, Haw. Sess. Laws. Deleting the following text within []: *The lessee shall not sublet his interest in the tract or improvements thereon.*

¹⁵⁴ Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: *Upon the death of the lessee his interest in the tract and improvements thereon shall vest under the limitations provided for homesteads in section 403 of the Revised Laws of Hawaii of 1915;*

¹⁵⁵ Act 17, 1999, Haw. Sess. Laws. Deleting the following text within []:~~his~~{Act 60, 1985, Haw. Sess. Laws} *the person's* {Act 60, 1985, Haw. Sess. Laws}

¹⁵⁶ *Act 17, 1999, Haw. Sess. Laws.

¹⁵⁷ Act 196, 1997, Haw. Sess. Laws. Deleting the following text within []:*Veterans Administration*

¹⁵⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 284, 1985, Haw. Sess. Laws.

¹⁵⁹ Act 196, 1997, Haw. Sess. Laws. Deleting the following text within []:*Veterans Administration*

¹⁶⁰ *Act 53, 2005, Haw. Sess. Laws. Adding the following text within []: *or any acceptable private mortgage insurance,*

¹⁶¹ Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: *within sixty days after they became delinquent. If the lessee fails so to pay, the commission shall thereupon pay the taxes and have a lien therefor as provided in section 216 of this title;*

¹⁶² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 60, 1985, Haw. Sess. Laws. Deleting the following text within []:*in its discretion*

¹⁶³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*however,*

¹⁶⁴ Pub. L. No. 85-710, 72 Stat. 706 (1958).

¹⁶⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 305, 1990, Haw. Sess. Laws. Deleting the following text within []:*from date of lease*

¹⁶⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*(8) The department may assure the repayment of loans []{Act 175, 1974, Haw. Sess. Laws} made by{Act 175, 1974, Haw. Sess. Laws} governmental agencies or by private lending institutions, defined as banks, building or savings and loan associations, trustees, guardians, trust companies, insurance companies, fiduciaries, and all other persons or organizations having moneys to invest, to lessees when{Act 175, 1974, Haw. Sess. Laws} where{Act 175, 1974, Haw. Sess. Laws} such loans have been approved by the department, up to the limits prescribed in section 215; provided that the lessee has no indebtedness due the department and the department shall not make any loans to the lessees while such assured{Act 175, 1974, Haw. Sess. Laws} loans []{Act 175, 1974, Haw. Sess. Laws} are outstanding; provided further that upon receipt of notice of default in the payment of such assured¹³⁴ loans, the department may, upon failure of the lessee to cure the default within 60 days, cancel the lease and thereupon use its best efforts to redispense of the tract to a qualified and responsible native Hawaiian or Hawaiians as a new lessee who will assume the obligation of the outstanding debt, thereby assured, and make payments to the governmental agency or the private lending institution{Act 175, 1974, Haw. Sess. Laws} from available funds either for the monthly payments as they become due and payable or for the amount of debt. In no event shall the aggregate amount []{Act 66, 1972, Haw. Sess. Laws} assured by the department exceed []{Act 175, 1974, Haw. Sess. Laws} \$8,000,000.{Act 175, 1974, Haw. Sess. Laws}*

¹⁶⁷ Act 272, 1982, Haw. Sess. Laws (earliest amendment on file that incorporates section title as currently reflected).

¹⁶⁸ Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: *All successors, whether by agreement or process of law, to the interest of the lessee in any tract, shall be deemed to receive such interest subject to the conditions which would rest upon the lessee, if he then were the party holding the interest in the tract: Provided, That a successor receiving such interest by inheritance shall not, during the two years next following his inheritance, be deemed to have violated any of the conditions enumerated in section 208 of this title, even though he is not a native Hawaiian and does not on his own behalf occupy and use or cultivate the tract as a home or farm for such part of the year as the commission requires in accordance with the regulations prescribed by it under paragraph (4) of section 208 of this title.*

¹⁶⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Laws.

¹⁷⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 36, 1987, Haw. Sess. Laws.

¹⁷¹ Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within []: *and be determined in the following manner. A lessee shall furnish the Commission, in writing, the name or names of such person or persons being a qualified native Hawaiian or Hawaiians, within the limits prescribed in the following sequence of succession, to whom he wishes his interest in the lease to be transferred after his death, this designation to be subject to the approval of the Commission: (1) In the widow or widower; (2) if there is no widow or widower,*

then in the children; (3) if there are no children, then in the widows or widowers of the children; (4) if there are no such widows or widowers, then in the grandchildren ; (5) if there are no grandchildren, then in the brothers and sisters; (6) if there are no brothers or sisters, then in the windows or widowers of the brothers and sisters; (7) if there are no such widows or widowers of the brothers or sisters, then in the nephews and nieces. {Pub. L. No. 75-200, 50 Stat. 497 (1937)}.

¹⁷² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Laws.

¹⁷³ Pub. L. No. 105-21, 111 Stat. 235 (1997); Act 37, 1994, Haw. Sess. Laws. Deleting the following text within []: *or* {Act 272, 1982, Haw. Sess. Laws}

¹⁷⁴ *Act 16, 2005, Haw. Sess. Laws. Deleting the following text within []: *or*

¹⁷⁵ Pub. L. No. 105-21, 111 Stat. 235 (1997); Act 37, 1994, Haw. Sess. Laws.

¹⁷⁶ Act 16, 2005, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []: *brothers and sisters,*

¹⁷⁷ *Pub. L. No. 105-21, 111 Stat. 235 (1997); Act 147, 1993, Haw. Sess. Laws within text of Act 37, 1994].

¹⁷⁸ Act 16, 2005, Haw. Sess. Laws. Deleting the following text within []: *brothers and sisters,*

¹⁷⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Laws. Deleting the following text within []: *Such person or persons must be qualified to be a lessee of Hawaiian home lands: provided;*

~~*however,*~~ {Pub. L. No. 82-481, 66 Stat. 511 (1952)} *that*

¹⁸⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*

¹⁸¹ Pub. L. No. 82-481, 66 Stat. 511 (1952). Deleting the following text within []: *Public Document Numbered 227 in the Seventy-third Congress, approved May 16, 1934*

¹⁸² Pub. L. No. 82-481, 66 Stat. 511, 513 *1952); Act 92, 1992, Haw. Sess. Laws. Deleting the following text within []: *section __ of the Act __ (Stat. __, __)*

¹⁸³ * Pub. L. No. 82-481, 66 Stat. 511, 513 *1952)(allowing certain non-beneficiary persons to retain their leasehold on lands of Auwaiolimu, Kewalo-Uka, and Kalawahine, on the island of O'ahu); Act 92, 1992, Haw. Sess. Laws.

¹⁸⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); 272, 1982, Haw. Sess. Laws. Deleting the following text within []: *provided further, that*

¹⁸⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); 272, 1982, Haw. Sess. Laws. Deleting the following text within []: ~~*must*~~ {Act 90, 1981, Haw. Sess. Laws} *shall* {Act 90, 1981, Haw. Sess. Laws}

¹⁸⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); 272, 1982, Haw. Sess. Laws. Deleting the following text within []: *In the absence of such designation as approved by the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} shall [] {Pub. L. No. 77-325, 55 Stat. 782 (1941)} select from the relatives of the lessee in the order named above, as limited by the foregoing paragraph, one or more persons who are qualified to be lessees of Hawaiian home lands, except as hereinabove provided, as the successor or successors of the lessee's interest in the tract or tracts, and upon the death of the lessee, his interest shall vest in the person or persons so selected. The ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} may select such a successor or successors after the death of the lessee, and 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 lessee. {Pub. L. No. 77-325, 55 Stat. 782 (1941)}*

¹⁸⁷ Act 16, 2005, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []: *brothers or sisters; or (5) If there is no husband, wife, child, grandchild, brother or sister, then*

¹⁸⁸ Act 16, 2005, Haw. Sess. Laws. Deleting the following text within []: *brothers and sisters,*

¹⁸⁹ Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within []: *Upon the death of a lessee, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall appraise the value of all such improvements and said growing crops and shall pay to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness due the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the previous lessee. Such appraisal shall be made by three appraisers, one of which shall be named by the Commission, one by the previous lessee or the legal representative of his estate, and the third shall be selected by the two appraisers hereinbefore mentioned. {Pub. L. No. 75-200, 50 Stat. 497 (1937)}*

¹⁹⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Laws. Deleting the following text within []: *such relative*

¹⁹¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Laws. Deleting the following text within []: *or Hawaiians*

¹⁹² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Laws. Deleting the following text within []: *such relative*

^{193*} Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 137, 1985, Haw. Sess. Laws. Deleting the following text within []: *leaving no designated successor or successors, husband, wife, or children* {Act 272, 1982, Haw. Sess. Laws}

¹⁹⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 137, 1985, Haw. Sess. Laws.

¹⁹⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 36, 1987, Haw. Sess. Laws. Deleting the following text within []: *reimbursable out of payments made*

¹⁹⁶ *Act 122, 2001, Haw. Sess. Laws.

¹⁹⁷ Act 109, 1994, Haw. Sess. Laws. Deleting the following text within []: ~~Such~~¹⁷⁷ *The*¹⁷⁷ *appraisal shall be made by three appraisers, one of which* {Act 36, 1987, Haw. Sess. Laws} *whom* {Act 36, 1987, Haw. Sess. Laws} *shall be named by the commission* {Act 207, 1963, Haw. Sess. Laws} *department* {Act 207, 1963, Haw. Sess. Laws}, *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* [] {Act 36, 1987, Haw. Sess. Laws} *mentioned* {Act 36, 1987, Haw. Sess. Laws}. { Pub. L. No. 77-325, 55 Stat. 782 (1941)}

¹⁹⁸ *Act 109, 1994, Haw. Sess. Laws.

¹⁹⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Laws. Deleting the following text within []: (2)

²⁰⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 36, 1987, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*

²⁰¹ Act 109, 1994, Haw. Sess. Laws. Deleting the following text within []: *is authorized to*

²⁰² Act 109, 1994, Haw. Sess. Laws. Deleting the following text within []: ~~he~~ {Act 36, 1987, Haw. Sess. Laws} *the qualified Hawaiian* {Act 36, 1987, Haw. Sess. Laws}

²⁰³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 272, 1982, Haw. Sess. Law. Deleting the following text within []: [] {Act 272, 1982, Haw. Sess. Law} ~~(4)~~ {Pub. L. No. 77-325, 55 Stat. 782 (1941)} (3) {Pub. L. No. 77-325, 55 Stat. 782 (1941)}

²⁰⁴ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 36, 1987, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*

²⁰⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 36, 1987, Haw. Sess. Laws. Repealing the following text within []: *Sec.210.5. VALUE AND PURCHASE OF IMPROVEMENTS AT SURRENDER OR CANCELLATION. (a) For a period of ten years after the effective date of an award, transfer, succession, home replacement, or substantial improvement, as the case may be, if the lessee surrenders or the lessor cancels the lease, the department shall purchase the improvements on the lot at a price which shall not exceed the sum of: (1) The original cost of improvements to the lessee (2) The original cost of improvement added by the lessee, except when the department determines, in accordance with adopted rules, that such improvements are luxurious in nature, and (3) Simple interest on the lessee's equity in the improvements at the rate of seven per cent a year. "Equity", as used in this paragraph, means the differences between the sum of the original cost of the improvements to the lessee and improvements added by the lessee, and the principal amount on any mortgage, lien, or note outstanding. (b) After the end of the tenth year from the effective date of an award, transfer, succession, home replacement, or substantial improvement, as the case may be, the department shall purchase the improvements on the lot at a price not to exceed the appraised value of the improvements, except when the department determines, in accordance with adopted rules, that such improvements are luxurious in nature. (c) For a surrender or cancellation involving a commercial farm, in addition to purchasing the improvements, the department shall also purchase the mature crops and tree crops. The purchase price shall not exceed the value of the mature crops and the residual value of the tree crops, and shall be established by appraisal, whether or not surrender or cancellation occurs during the ten-year restriction period. (d) In a surrender or cancellation occurring during the ten-year restriction period. The department's purchase price of the improvements shall be the lesser of the price calculated in subsection (a) and the value appraised in subsection (b). (e) In a surrender or cancellation, the department's payment to the lessee shall be the difference of the amount calculated in subsection (a) or appraised in subsection (b) and (c), as the case may be, and any indebtedness to the department, any indebtedness for taxes, or any indebtedness the payment of which has been assured by the department at the time of surrender or cancellation of the residential lot lease. (f) Notwithstanding any other*

law to the contrary, if upon surrender or cancellation, the department determines that the cost to remedy, renovate, or to restore the premises to a safe and reasonably comfortable condition is unwarranted due to the age, condition, or the estimated remaining economic life of the improvements, the department shall assign no value of the improvements. The lessee or the lessee's legal representative may be authorized by the department to dispose of the improvements under terms and conditions prescribed by the department. (g) For the purposes of this section, the appraisal of improvements or crops to be purchased by the department shall be performed by either of the following methods: (1) By one appraiser mutually agreeable to both the department and the lessee. The cost of the appraisal shall be borne equally by the department and the lessee; or (2) By not more than three disinterested appraisers of which the first shall be contracted for by the department; provided that should the lessee fail to agree upon the value, the lessee may appoint the lessee's own appraiser. If the appraisal values are different and a settlement between the department and the lessee is not possible, a third appraisal shall be performed by a disinterested appraiser appointed by the department's appraiser and the lessee's appraiser; provided that the third appraiser shall act as an arbitrator and determine the final value which shall be between the values of the first and second appraisals. The department shall pay for its own appraiser, the lessee or lessee's legal representative shall pay for its own appraiser, the lessee or lessee's legal representative shall pay for the lessee's own appraiser, and the cost of the third appraiser shall be borne equally by the lessee and the department. (h) Nothing contained in this section shall be construed in a manner as to infringe upon or prejudice in any way rights or interests which shall have vested prior to the effective date hereof.{Act 112, 1981, Haw. Sess. Laws}

²⁰⁶ Constitutional Convention Hawaii 1978 (removing brackets around section title).

²⁰⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *Commissioner of Public Lands*

²⁰⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: *Hawaiian Organic Act and the Revised Laws of Hawaii of 1915, except*

²⁰⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: *with the approval of the Secretary of the Interior,*

²¹⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: *by it for leasing as authorized by the provisions of section 207 of this title or for a community pasture.*

²¹¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: *HAWAIIAN HOME-LOAN FUND; HAWAIIAN HOME-DEVELOPMENT FUND; HAWAIIAN HOME-OPERATING FUND;*{Pub. L., No. 80-638, 62 Stat. 390 (1948)} *{}{Act 76, 1972, Haw. Sess. Laws} ADMINISTRATION ACCOUNT* *{}{Pub. L. No. 80-638, 62 Stat. 390 (1948)}; HAWAIIAN HOME-FARM LOAN FUND; HAWAIIAN HOME-COMMERCIAL LOAN FUND; HAWAIIAN HOME-REPAIR LOAN FUND; ANAHOLA-KEKAHA LOAN FUND;*{ Act 76, 1972, Haw. Sess. Laws} *THE HAWAIIAN LOAN GUARANTEE FUND;* {Act 130, 1973, Haw. Sess. Laws} *{}{Act 176, 1974, Haw. Sess. Laws} PAPA KOLEA HOME-REPLACEMENT LOAN FUND* {72, 1976, Haw. Sess. Laws}; ~~AND~~ {72, 1976, Haw. Sess. Laws}; *THE KEAUKAHA-WAIAKEA HOME-REPLACEMENT LOAN FUND; KEAUKAHA-WAIAKEA HOME-CONSTRUCTION FUND* {Act 176, 1974, Haw. Sess. Laws}; *THE STATEWIDE REPLACEMENT LOAN FUND; AND THE HAWAIIAN HOME GENERAL HOME LOAN FUND* {72, 1976, Haw. Sess. Laws}; — (a) ~~There is~~ {Act 76, 1972, Haw. Sess. Laws} ~~are~~ {Act 76, 1972, Haw. Sess. Laws} *hereby established in the treasury of the Territory* {Act 207, 1963, Haw. Sess. Laws} *State* {Act 207, 1963, Haw. Sess. Laws} *{}{Pub. L. No. 80-638, 62 Stat. 390 (1948)} {}{Act 76, 1972, Haw. Sess. Laws} six* {Act 170, 1974, Haw. Sess. Laws} ~~seven~~ {Act 176, 1974, Haw. Sess. Laws} ~~eight~~ {Act 176, 1974, Haw. Sess. Laws} *eleven* {72, 1976, Haw. Sess. Laws}; *revolving funds to be known as the Hawaiian home-loan fund, the Hawaiian home-operating fund, the Hawaiian home-farm loan, the Hawaiian home-commercial loan fund, the Hawaiian home-repair loan fund, and* {Act 130, 1973, Haw. Sess. Laws} *the Anahola-Kekaha loan fund, {}{Act 76, (1972, Haw. Sess. Laws} the Papakolea home-replacement loan fund,* {Act 170, 1974, Haw. Sess. Laws} *Keaukaha-Waiakea home-replacement loan fund, and the Keaukaha-Waiakea home construction fund,* {Act 176, 1974, Haw. Sess. Laws} *statewide replacement loan fund and the Hawaiian home general home loan fund* {72, 1976, Haw. Sess. Laws}; ~~and two~~ ~~three~~ {Act 130, 1973, Haw. Sess. Laws} *special funds to be known as the Hawaiian home-development fund, and* {Act 130, 1973, Haw. Sess. Laws} *the Hawaiian home-administration account* {Act 76, 1972, Haw. Sess. Laws} *and the Hawaiian loan guarantee fund* {Act 130, 1973, Haw. Sess. Laws}. (b) *HAWAIIAN HOME-LOAN FUND.* — *{}{Act 114, 1969, Haw. Sess. Laws} {}{Act 76, 1972, Haw. Sess. Laws} Thirty per cent of the state receipts derived from the leasing of cultivated sugar-cane lands under any other provisions of law, or from water*

licenses, [Act 76, 1972, Haw. Sess. Laws] shall be deposited into the Hawaiian home-loan fund until the aggregate amount of the fund (including in said amount the principal of all outstanding loans and advances, and all transfers which have been made from this fund to other funds for which this fund has not been or need not be reimbursed) shall equal \$5,000,000{Act 76, 1972, Haw. Sess. Laws} In addition to these moneys, there shall be covered into the loan fund the installments of principal paid by lessees upon loans made to them as provided in paragraph 2 of section 215, or as payments representing reimbursements on account of advances made pursuant to section 209 (1), but not including interest on such loans or advances. The moneys in ~~said~~{Act 176, 1974, Haw. Sess. Laws} the {Act 176, 1974, Haw. Sess. Laws} fund shall be available only for loans to lessees as provided for in this Act, and for the payment provided for in section 209 (1), and shall not be expended for any other purpose whatsoever, except as provided in paragraphs (c) and (d) of this section.{Pub. L., No. 80-638, 62 Stat. 390 (1948)} [Act 76, 1972, Haw. Sess. Laws]Thirty per cent of the state receipts derived from the leasing of cultivated sugar-cane lands under any other provisions of law or from the water licenses, over and above the present ceiling in the Hawaiian home-loan fund of \$5 million, which additional amount is herein after called "Additional Receipts", shall be deposited into a special revolving account within the Hawaiian home-loan fund until the aggregate amount of the Additional Receipts so deposited (including the principal and [Act 76, 1972, Haw. Sess. Laws] advances {Act 76, 1972, Haw. Sess. Laws} made from the Additional Receipts but not from the moneys borrowed under (6) herein below, and all transfers which have been made from the Additional Receipts to other funds for which this fund has not been or need not be reimbursed) shall equal [Act 76, 1972, Haw. Sess. Laws] \$5,000,000{Act 76, 1972, Haw. Sess. Laws}. In addition to these moneys there shall be covered into the special revolving account of the loan fund, moneys borrowed under (6) hereinafter, installments of principal and interest paid by the borrowers upon loans from the special revolving account, whether from the Additional Receipts or such borrowed moneys. To the extent as stated hereinafter, the Additional Receipts shall be repaid to the general fund of the state upon proper action by the legislature directing repayment.{Act 4, 1965, Haw. Sess. Laws} Eighty-five per cent of the annual Additional Receipts, hereinafter called the "Additional Receipts—Development Fund Portion," is to be transferred to the Hawaiian home-development fund [Act 76, 1972, Haw. Sess. Laws],to be used in accordance with the amended provisions of subsection (c) of this section. {Act 76, 1972, Haw. Sess. Laws} Fifteen per cent of the annual Additional Receipts, hereinafter called the "Additional Receipts—Loan Fund Portion," shall be retained in the special revolving fund and be used for and in connection with the repair or maintenance or {Act 259, 1969, Haw. Sess. Laws} purchase or erection or improvement of dwelling on either Hawaiian home lands or non-Hawaiian home lands, whether owned or leased [Act 175, 1974, Haw. Sess. Law], with loans by the department or by financial institutions, governmental or private.{Act 176, 1974, Haw. Sess. Laws} In furtherance of the purposes herein, the department may do any one or more of the following, with moneys from the Additional Receipts—Loan Fund Portion and any borrowed moneys under (6) herein below:{Act 4, 1965, Haw. Sess. Laws} (1)The department may extend the benefits of the special revolving account only to native Hawaiians as defined in the Act;{ Act 4, 1965, Haw. Sess. Laws} (2) The department may loan, or guarantee the repayment of or otherwise underwrite any authorizes loan, up to ~~the~~ a{72, 1976, Haw. Sess. Laws}; maximum of [Act 76, 1972, Haw. Sess. Laws] [Act 220, 1973, Haw. Sess. Laws] [72, 1976, Haw. Sess. Laws]; \$35,000{72, 1976, Haw. Sess. Laws}; provided, that where, upon the death of a lessee living on Hawaiian home lands who leaves no relatives qualified to be a lessee on Hawaiian home lands, or the cancellation of a lease by the department, or the surrender of a lease¹³⁴ by the lessee, the department shall be authorized to make payment and to permit assumption of loan in excess of [Act 76, 1972, Haw. Sess. Laws] [Act 220, 1973, Haw. Sess. Laws] [72, 1976, Haw. Sess. Laws] \$35,000{72, 1976, Haw. Sess. Laws} under and in accordance with the provisos of section 215(1), subject, as stated to the provisions of section 215(3); {Act 4, 1965, Haw. Sess. Laws} (3)[Act 146, 1967, Haw. Sess. Laws} Where the dwelling is on Hawaiian home lands, anything in the Act to the contrary notwithstanding, either the department ~~or~~{Act 175, 1974, Haw. Sess. Laws}, other {Act 175, 1974, Haw. Sess. Laws} governmental agencies, or private lending institutions {Act 259, 1969, Haw. Sess. Law} may make loans, and the loans made in connection with the repair or maintenance or {Act 175, 1974, Haw. Sess. Laws} purchase or erection or improvement of dwellings shall be subject to, all {Act 175, 1974, Haw. Sess. Laws} applicable provisions of the Act, [Act 259, 1969, Haw. Sess. Laws] including but not limited to the provisions of sections 207, 208, 209, 210, 215, 216, and 217, and to such legislative amendments of the Act herein or hereafter enacted, provided such amendments do not change the qualifications of lessees or constitute a reduction or impairment of the Hawaiian home-loan fund, Hawaiian home-operating fund or Hawaiian home development fund or otherwise require the consent of the United States {Act 259, 1969, Haw. Sess. Laws}. Loans made to lessees by governmental agencies or private lending

institutions {Act 175, 1974, Haw. Sess. Laws} shall be approved by the department, and the department may assure the payment of such loans, provided that the department shall reserve the following rights, among others: the right of succession to lessee's interests and assumption of the contract of loan; right to require that written notice be given to the department immediately upon default or delinquency of the lessee; and any other rights necessary to protect the monetary and other interests of the department{Act 76, H.B. 819 (1972, Haw. Sess. Laws); (4) Where the dwelling is on non-Hawaiian home lands, anything in the Act to the contrary notwithstanding, either the department, []{Act 175, 1974, Haw. Sess. Laws} other governmental agencies, or private lending institutions¹³⁴ may make loans, and in connection with such loans, the department shall be governed by, and the loans made in connection with the repair or maintenance or{Act 259, 1969, Haw. Sess. Laws} purchase or erection or improvement of dwellings shall be subject to, such terms and conditions as the department may, by rules and regulations not inconsistent with the provisions of this legislative amendment to such Act, promulgate; provided, however, {Act 259, 1969, Haw. Sess. Laws} the department shall require any loan made or guaranteed or otherwise underwritten to be secured adequately and suitably by a first or second mortgage or other securities; {Act 4, 1965, Haw. Sess. Laws} (5) The department shall establish interest rate or rates at two and one-half per cent []{Act 76, 1972, Haw. Sess. Laws} a year {Act 76, 1972, Haw. Sess. Laws} or higher, in connection with authorized loans on Hawaiian home lands or non-Hawaiian home lands, and where the going rate of interest on moneys borrowed by the department under (6) immediately following or loans made by []{Act 175, 1974, Haw. Sess. Laws} other governmental agencies or by private lending institutions {Act 175, 1974, Haw. Sess. Laws} to native Hawaiians is higher, the department may {Act 175, 1974, Haw. Sess. Laws} pay from the special revolving fund from either the Additional Receipts—Loan Fund Portion or the moneys borrowed, the difference in interest rates; {Act 4, 1965, Haw. Sess. Laws} (6) The department may borrow and deposit into the special revolving account for the purposes of repairing or maintaining or {Act 259, 1969, Haw. Sess. Laws} purchasing or erecting or improving dwellings on Hawaiian home lands and non-Hawaiian home lands and related purposes as provided for in second paragraph of (8) hereinafter, from []{Act 175, 1974, Haw. Sess. Laws} governmental agencies or private lending institutions {Act 175, 1974, Haw. Sess. Laws} and if necessary in connection therewith, to pledge, secure or otherwise guarantee the repayment of moneys borrowed with all or a portion of the estimated sums of Additional Receipts for the next ensuing ten years from the date of borrowing, less any portion thereof previously encumbered for similar purposes;{ Act 4, 1965, Haw. Sess. Laws} (7) The department may purchase or otherwise acquire, or otherwise{Act 130, 1973, Haw. Sess. Laws} agree so to do, before or after default, any notes and mortgages or other securities covering loans []{Act 175, 1974, Haw. Sess. Laws} made by other governmental agencies or by private lending institutions to native Hawaiians {Act 175, 1974, Haw. Sess. Laws} and{Act 175, 1974, Haw. Sess. Laws} or {Act 175, 1974, Haw. Sess. Laws} guarantee the repayment of otherwise underwrite the loans and to{Act 76, 1972, Haw. Sess. Laws} accept the assignment of any notes and mortgages or other securities in connection therewith; {Act 4, 1965, Haw. Sess. Laws} (8) The department may exercise the functions and reserved rights of a lender of money or mortgagee of residential property in all direct loans made by the department with funds from the Additional Receipts—Loan Fund Portion or with funds borrowed under (6) hereinabove (but not with funds from the original \$5,000,000, unless such exercise is authorized by the Act), or in all loans []{Act 175, 1974, Haw. Sess. Laws} made by other governmental agencies or by private lending institutions to native Hawaiians {Act 175, 1974, Haw. Sess. Laws}. The functions and reserved rights shall include but not be limited to, the purchasing, repurchasing, servicing, selling, foreclosing, buying upon foreclosure, guaranteeing the repayment or otherwise {Act 76, 1972, Haw. Sess. Laws} underwriting, of any loan, protecting of security interest, and after foreclosure, the repairing, renovating or modernization and sale of the property covered by the loan and mortgage, to achieve the purposes of this program while protecting the monetary and other interests of the department.{Act 76, H.B. 819 (1972, Haw. Sess. Laws} The Additional Receipts—Loan Fund Portion, less any amounts thereof utilized to pay the difference in interest rates, discounts, premiums, necessary loan processing expenses, and other expenses authorized in this legislative amendment, are subject to repayment to the general fund upon appropriate legislative action or actions directing whole or partial repayment{Act 4, 1965, Haw. Sess. Laws} (c) HAWAIIAN HOME-DEVELOPMENT FUND.—Twenty-five per centum{Act 76, 1972, Haw. Sess. Laws} cent {Act 76, 1972, Haw. Sess. Laws} of the amount of moneys covered into the Hawaiian home-loan fund annually shall be transferred into the Hawaiian home-development fund []{Act 183, 1961, Haw. Sess. Laws}. The moneys in said development fund shall be available, with the prior written approval of the governor, []{Act 71, 1976, Haw. Sess. Laws} for off-site improvements and development; for improvements, additions and repairs to all assets as structures and buildings owned by the department excluding, however, such

structures or improvements that the department shall be required to acquire under section 209 of this Act; for engineering and architectural planning to maintain and develop properties; for purchase of equipment of every kind and nature as the department shall deem necessary or proper for its use; for nonrevenue producing improvements to fulfill the intent of the Act not permitted in the various loan funds, the administration account or the operating fund. {Act 71, 1976, Haw. Sess. Laws} With respect to the Additional Receipts—Development Fund Portion, fifteen per cent thereof shall be used, with prior written approval of the governor, {Act 71, 1976, Haw. Sess. Laws} for off-site improvements and development; for improvements, additions and repairs to all assets as structures and buildings owned by the department excluding, however, such structures or improvements that the department shall be required to acquire under section 209 of this Act; for engineering and architectural planning to maintain and develop properties; for purchase of equipment of every kind and nature as the department shall deem necessary or proper for its use; for nonrevenue producing improvements to fulfill the intent of the Act not permitted in the various loan funds, the administration account or the operating fund, {Act 71, 1976, Haw. Sess. Laws} and the remaining eighty-five per cent shall be segregated into a special account which may be drawn upon from time to time by the department of education, with prior written approval of the governor, for such educational projects as shall be developed and directed by the department of education after consultation with the University of Hawaii and the department of Hawaiian home lands; provided that such projects shall be directed primarily to the educational improvement of the children of the {Act 76, 1972, Haw. Sess. Laws} lessees, the funds to be used primarily at the preschool and elementary grade levels. {Act 4, 1965, Haw. Sess. Laws}. Only so much of the Additional Receipts—Development Fund Portion not encumbered at the time of appropriate legislative action directing repayment, shall be repaid to the general fund of the State. {Act 4, 1965, Haw. Sess. Laws} (d) HAWAIIAN HOME-OPERATING FUND.—All moneys received by the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} from any other source, except moneys received ~~for~~ {Act 130, 1973, Haw. Sess. Laws} from {Act 130, 1973, Haw. Sess. Laws} the Hawaiian home-administration account, shall be deposited in a revolving fund to be known as the Hawaiian home-operating fund. The moneys in said fund shall be available (1) for construction and reconstruction of revenue-producing improvements, including acquisition therefor of real property and interests therein, such as water rights or other interests; (2) for payment into the treasury of the ~~Territory~~ {Act 207, 1963, Haw. Sess. Laws} State {Act 207, 1963, Haw. Sess. Laws} of such amounts as are necessary to meet the following charges for ~~Territorial~~ {Act 207, 1963, Haw. Sess. Laws} state {Act 207, 1963, Haw. Sess. Laws} bonds issued for such revenue-producing improvements, to wit, the interest on such bonds, and the principal of such serial bonds maturing the following year; (3) for operation and maintenance of such improvements, heretofore or hereafter constructed from ~~said~~ {Act 176, 1974, Haw. Sess. Laws} such {Act 176, 1974, Haw. Sess. Laws} funds or other funds; and (4) for the purchase of water or other utilities, goods, commodities, supplies, or equipment and for services, to be resold, rented, or furnished on a charge basis to occupants of Hawaiian home lands. The moneys in ~~said~~ {Act 176, 1974, Haw. Sess. Laws} the {Act 176, 1974, Haw. Sess. Laws} fund may be supplemented by other funds available for, or appropriated by the legislature for, the same purposes. In addition to such moneys, ~~said~~ {Act 176, 1974, Haw. Sess. Laws} the {Act 176, 1974, Haw. Sess. Laws} fund, with the approval of the governor, may be supplemented by transfers made on a loan basis from the home-loan fund. The amounts of all such transfers shall be repaid into the home-loan fund in not exceeding ten annual installments, and the aggregate amount of such transfers outstanding at any one time shall not exceed \$500,000. No projects or activities shall be undertaken hereunder except as authorized by sections 220 and 221 or the other provisions of this Act. {Pub. L., No. 80-638, 62 Stat. 390 (1948)} (e) MATCH MONEYS.—The ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, H.B. 1352 (1963)} is authorized and empowered to use moneys in the development and operating funds, with the prior written approval of the governor, to match federal, ~~Territorial~~ {Act 207, 1963, Haw. Sess. Laws} state {Act 207, 1963, Haw. Sess. Laws} or county funds available for the same purposes and to that end is authorized to enter into such undertaking, agree to such conditions, transfer funds therein available for such expenditure, and do and perform such other acts and things, as may be necessary or required, as a condition to securing match funds for such projects or works. {Pub. L., No. 80-638, 62 Stat. 390 (1948)} (f) HAWAIIAN HOME-ADMINISTRATION ACCOUNT.—The entire receipts derived from any leasing of the available lands defined in section 204 shall be deposited into the Hawaiian home-administration account. The moneys in ~~such~~ {Act 176, 1974, Haw. Sess. Laws} said {Act 176, 1974, Haw. Sess. Laws} account shall be expended by the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, H.B. 1352 (1963)} for salaries and all other administrative expenses of the department, {Act 76, 1972, Haw. Sess. Laws} not including structures and other permanent improvements, subject, however, to the following conditions and

requirements: {Pub. L., No. 80-638, 62 Stat. 390 (1948)} []{Pub. L. No. 80-638, 62 Stat. 390 (1948)} (1) The ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} shall, at such time as the governor may prescribe, but not later than November 15, preceding each ~~biennial~~{Act 13, 1959, Haw. Sess. Laws} []{Act 176, 1974, Haw. Sess. Laws} regular {Act 176, 1974, Haw. Sess. Laws} session of the legislature, submit to the ~~Territorial~~{Act 207, 1963, Haw. Sess. Laws} state {Act 207, 1963, Haw. Sess. Law} []{Act 114, H.B. 32 (1963, Haw. Sess. Laws} director of finance {Act 114, 1963, Haw. Sess. Laws} its budget estimates of expenditures for the next ensuing ~~biennium~~{Act 13, 1959, Haw. Sess. Laws} (fiscal period {Act 13, 1959, Haw. Sess. Laws})) in the manner and form and as required by ~~Territorial~~{Act 207, 1963, Haw. Sess. Laws} state {{Act 207, 1963, Haw. Sess. Laws} law of ~~Territorial~~{Act 207, 1963, Haw. Sess. Laws} state {Act 207, 1963, Haw. Sess. Laws} departments and establishments.{Pub. L. No. 77-325, 55 Stat. 782 (1941)}(2) The ~~commission's~~{Act 207, 1963, Haw. Sess. Laws} department's {Act 207, 1963, Haw. Sess. Laws} budget, if it meets with the approval of the governor, shall be included in the governor's budget report and shall be transmitted to the legislature for its approval. []{Pub. L. No. 80-638, 62 Stat. 390 (1948)} (3) Upon approval by the legislature of the ~~commission's~~{Act 207, 1963, Haw. Sess. Laws} department's {Act 207, 1963, Haw. Sess. Laws} budget estimate of expenditures for the ensuing ~~biennium~~{Act 13, 1959, Haw. Sess. Laws} (fiscal period {Act 13, 1959, Haw. Sess. Laws} []{Pub. L. No. 80-638, 62 Stat. 390 (1948)} the amount thereof shall be available to the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} for ~~said~~{Act 130, 1973, Haw. Sess. Laws} the {Act 130, 1973, Haw. Sess. Laws} ~~biennium~~{Act 13, 1959, Haw. Sess. Laws} (fiscal period {Act 13, 1959, Haw. Sess. Laws})) and shall be expendable by the ~~commission~~⁴⁹ department⁴⁹ for the expenses hereinabove provided, or, if no action on the budget is taken by the legislature prior to adjournment, the amount submitted to the legislature, but not in excess of \$200,000, shall be available for such expenditures; any amount of money in said account in excess of the amount approved by the legislature for the ~~biennium~~{Act 13, 1959, Haw. Sess. Laws} (fiscal period {Act 13, 1959, Haw. Sess. Laws}) or so made available shall be transferred to the []{Pub. L. No. 85-708, 72 Stat. 705 (1958)} Hawaiian home-development fund {Pub. L. No. 85-708, 72 Stat. 705 (1958)}, such transfer to be made immediately after the amount of moneys deposited in ~~said~~{Act 176, 1974, Haw. Sess. Laws} the {Act 176, 1974, Haw. Sess. Laws} administration account shall equal the amount approved by the legislature or so made available.¹⁰⁵ (4) The money in ~~said~~{Act 176, 1974, Haw. Sess. Laws} the {Act 176, 1974, Haw. Sess. Laws} administration account shall be expended by the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} in accordance with ~~Territorial~~{Act 207, 1963, Haw. Sess. Laws} state {Act 207, 1963, Haw. Sess. Laws} laws, rules, and regulations and practices.{Pub. L., No. 80-638, 62 Stat. 390 (1948)} []{Pub. L. No. 80-638, 62 Stat. 390 (1948)} (g) HAWAIIAN HOME-FARM LOAN FUND.— The department shall create a fund of \$500,000 out of ~~the~~{Pub. L., No. 80-638, 62 Stat. 390 (1948)} moneys heretofore appropriated to it by the legislature to be known as the "farm loan fund." The moneys in this fund shall be used to make loans to lessees of agricultural tracts leased under the provisions of section 207 of this Act. Such loans shall be subject to restrictions imposed by sections 214 and 215 of this act. {Act 76, 1972, Haw. Sess. Laws} (h) HAWAIIAN HOME-COMMERCIAL LOAN FUND.— The department is authorized to create a fund out of which loans may be made to those holding ~~leases~~{Act 172, 1974, Haw. Sess. Laws} licenses {Act 172, 1974, Haw. Sess. Laws} issued under section 207 of this Act. The loans shall be for theaters, garages, service stations, markets, stores, and other mercantile establishments and these shall all be owned by lessees or by organizations formed and controlled by ~~said~~{Act 176, 1974, Haw. Sess. Laws} the {Act 176, 1974, Haw. Sess. Laws} lessees. The loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act {Act 76, 1972, Haw. Sess. Law} (i) HAWAIIAN HOME-REPAIR LOAN FUND.— The department shall create a fund of \$500,000 out of moneys heretofore appropriated to it by the legislature to be known as the Hawaiian home-repair loan fund. The moneys in this fund shall be used to make loans in amounts not in excess of []{Act 76, 1972, Haw. Sess. Laws} \$10,000{Act 72, 1976, Haw. Sess. Laws} to lessees for repairs to their existing homes and for ~~necessary~~{Act 72, 1976, Haw. Sess. Laws} additions to such homes []{Act 72, 1976, Haw. Sess. Laws} Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. {Act 72, 1976, Haw. Sess. Laws} (j) ANAHOLA-KEKAHA FUND.— The department shall create a fund of \$121,500 out of the moneys heretofore appropriated to it by the legislature to be known as the Anahola-Kekaha fund. The moneys in this fund shall be used to make loans to lessees who are to be residents of Anahola-Kekaha on the island of Kauai to construct homes upon ~~homestead~~{Act 72, 1976, Haw. Sess. Laws} their residence {Act 72, 1976, Haw. Sess. Laws} lots. Such loans shall be []{Act 174, 1974, Haw. Sess. Laws} subject to the restrictions imposed by sections 214 and 215 of this Act.{Act 174, 1974, Haw. Sess. Laws} (k) THE HAWAIIAN HOME LOAN GUARANTEE FUND.—The department is authorized to create a fund

to support, if necessary, its guarantee of repayment of loans made by governmental agencies or by private¹³⁴ lending institutions to those holding leases or licenses issued under section 207 of this Act. The loan guarantees shall be subject to the restrictions imposed by sections 208, 214, and 215 of this Act. The department's guarantee of repayment shall be adequate security for a loan under any State law prescribing the nature, amount, or form of security or requiring security upon which loans may be made. (l) PAPAKOLEA HOME-REPLACEMENT LOAN FUND.—The department shall create a fund of \$200,000 out of moneys heretofore appropriated to it by the legislature to be known as the Papakolea home-replacement loan fund. The moneys in this fund shall be used to make loans to lessees who are residents of Papakolea on the island of Oahu to construct replacement homes upon their residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. (m) KEAUKAHA-WAIAKEA HOME-REPLACEMENT LOAN FUND.— The department is authorized to create a fund to be known as the “Keaukaha-Waiakea home-replacement loan fund.” The moneys in this fund shall be used to make loans to lessees who are residents of Keaukaha-Waiakea on the island of Hawaii to construct replacement homes upon their residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. (n) KEAUKAHA-WAIAKEA HOME CONSTRUCTION FUND.—The department is authorized to create a fund to be known as the Keaukaha-Waiakea home construction fund. The moneys in this fund shall be used to make loans to lessees to construct homes upon their vacant homestead residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. (o) STATEWIDE REPLACEMENT LOAN FUND.—The department shall create a fund of \$5,250,000 out of moneys heretofore appropriated to it by the legislature to be known as the Statewide replacement loan fund. The moneys in this fund shall be used to make loans to lessees to construct replacement homes upon their residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. (p) HAWAIIAN HOME GENERAL HOME LOAN FUND.—The department shall create a fund to be known as the Hawaiian home general home loan fund. Funds appropriated by the legislature for the construction of home but not otherwise set aside for a particular fund shall be deposited to this fund. The moneys in this fund shall be used to make loans to lessees for the purposes set forth by the legislature in the enactment appropriating said funds. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act.

²¹² Act 76, 1972, Haw. Sess. Laws; Act 130, 1973, Haw. Sess. Laws; Act 170, 1974, Haw. Sess. Laws; Act 179, 1974, Haw. Sess. Laws; Act 72, 1976, Haw. Sess. Laws; Act 229, 1978, Haw. Sess. Laws (amending section title)

²¹³ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *the additional receipts loan fund,*

²¹⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws.

²¹⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *the Hawaiian home replacement loan fund, the Hawaiian home repair loan fund, the Hawaiian home farm loan fund, and the Hawaiian home operating fund*

²¹⁶ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (1)

²¹⁷ *Act 145, 1993, Haw. Sess. Laws

²¹⁸ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: (1) *Thirty per cent of the state receipts derived from the leasing of cultivated sugarcane lands under any other provision of law or from water licenses shall be deposited into this fund. The aggregate amount of this fund including: (A) The outstanding principal of all loans, advances, and transfers which have been made to other funds for which this fund has not been or need not be reimbursed; and (B) The installments of principal paid by the lessees upon loans made to them from this fund, or payments representing reimbursements on account of advances, but not including interest on such loans or advances, shall not exceed \$5,000,000.*

²¹⁹ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (b)(1) *of this section.*

²²⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *That portion of the thirty per cent of the state receipts derived from the leasing of cultivated sugarcane lands*

under any other provision of law or from water licenses, in excess of the present ceiling in the Hawaiian home loan fund of \$5,000,000, which amount is called "additional receipts," shall be transferred to the Hawaiian home development fund, to the additional receipts loan fund, and the Hawaiian home education fund as follows: fifteen per cent to the additional receipts loan fund; thirteen per cent to the Hawaiian home development fund; and seventy-two per cent to the Hawaiian home education fund; provided that []{Act 260, 1984, Haw. Sess. Laws} the aggregate amount so transferred shall not exceed the maximum amount of \$5,000,000 []{Act 260, 1984, Haw. Sess. Laws}.{Act 229, 1978, Haw. Sess. Laws}

²²¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 143, 1983, Haw. Sess. Laws.

²²² Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: (2) *Additional receipts loan fund. Moneys transferred to this fund, installments of principal paid by the lessees upon loans made to them from this fund, or as payments representing reimbursement on account of advances, but not including interest on such loans or advances, shall be used for the purposes enumerated in section 214 of this Act.*{Act 229, 1978, Haw. Sess. Laws} (3).

²²³ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (2)

²²⁴ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *excluding moneys appropriated*

²²⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *the Hawaiian loan*{Act 143, 1983, Haw. Sess. Laws} *home* {Act 143, 1983, Haw. Sess. Laws} *interest fund*

²²⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 260, 1984, Haw. Sess. Laws.

²²⁷ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: *of this Act*

²²⁸ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: *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;*

²²⁹ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (A)

²³⁰ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: *of this Act*

²³¹ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: *of this Act*

²³² Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (B)

²³³ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: *of this Act*

²³⁴ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: (4) *Hawaiian home replacement loan fund. The moneys in this fund shall be used to make loans to lessees to construct replacement homes upon their []{Act 158, 1981, Haw. Sess. Laws} lots. Moneys appropriate by the legislature for replacement home construction loans; moneys transferred from the Hawaiian loan*{Act 143, 1983, Haw. Sess. Laws} *home* {Act 143, 1983, Haw. Sess. Laws} *interest fund; installments principal paid by the lessees upon loans made to them from this fund; and moneys transferred from other funds or accounts by legislative authorization shall be deposited into this fund* {Act 229, 1978, Haw. Sess. Laws} (5) *Hawaiian home repair loan fund. Moneys appropriated to this fund by the legislature; moneys transferred from the Hawaiian loan*{Act 143, 1983, Haw. Sess. Laws} *home* {Act 143, 1983, Haw. Sess. Laws} *interest fund; and installments of principal paid by the lessees upon loans made to them from this fund shall be deposited to*{Act 260, 1984, Haw. Sess. Laws} *into*{Act 260, 1984, Haw. Sess. Laws} *this fund. The moneys in this fund shall be used to make loans in amounts not in excess of []{Act 203, 1981, Haw. Sess. Laws} \$15,000{Act 203, 1981, Haw. Sess. Laws} to lessees for repairs to their existing homes and for additions to such homes.*{Act 229, 1978, Haw. Sess. Laws} (6) *Hawaiian home farm loan fund. Moneys appropriated to this fund by the legislature; moneys transferred from the Hawaiian loan*{Act 143, 1983, Haw. Sess. Laws} *home* {Act 143, 1983, Haw. Sess. Laws} *interest fund; and installments of principal paid by the lessees upon loans made to them from this fund shall be deposited to*{Act 260, 1984, Haw. Sess. Laws} *into* {Act 260, 1984, Haw. Sess. Laws} *this fund. The moneys in this fund shall be used to make loans not in excess of \$35,000 to lessees of agricultural tracts and tracts used for aquaculture* {Act 90, 1981, Haw. Sess. Laws} *leased under section 207 of this Act.*{Act 229, 1978, Haw. Sess. Laws} *In addition to the purposes enumerated in section 214(1) such loans may be made for the following purposes:*{Act 143, 1983, Haw. Sess. Laws} (A) *The initial and on-going devilmint, improvement, operation, and expansion of homestead farms, ranches, and aquaculture enterprises;* {Act 143, 1983, Haw. Sess. Laws} (B) *The liquidation of indebtedness incurred for any of the foregoing purposes relating to farm loans aged less than five years;*{Act 143, 1983, Haw. Sess. Laws} (C) *The payment of normal and reasonable living expense of a full-time farmer;*²²¹ (D) *The planning, layout, and installation of soil and water conservation practices; or*{Act 143, 1983, Haw. Sess. Laws} (E) *For emergency purposes to provide relief and rehabilitation to homestead farmers and ranchers due to damage by rain and wind storms, droughts, tidal wave, earthquake, volcanic eruption, and other natural*

catastrophes, and for livestock disease, epidemics, crop blights and serious effects of prolonged shipping and dock strikes.{Act 143, 1983, Haw. Sess. Laws} *In addition to the conditions enumerated in section 215 farm loans shall be subject to the following conditions: to be eligible for a farm loan the applicant shall derive, or present an acceptable plan to derive a major portion of his income from farming; 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. 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 lessee is required to carry out recommended farm management practices approved by a qualified agricultural agency.*{Act 143, 1983, Haw. Sess. Laws} (7) *Hawaiian home operating fund. The interest transferred from the Hawaiian home loan fund, all fees received by the department from any other source, and moneys transferred from the Hawaiian loan*{Act 143, 1983, Haw. Sess. Laws} *home {Act 143, 1983, Haw. Sess. Laws} interest fund, except moneys received by the Hawaiian home administration account shall be directly deposited into the Hawaiian home operating fund. The moneys in this fund shall be available: {Act 229, 1978, Haw. Sess. Laws} (A) For construction and reconstruction of revenue-producing improvements intended to principally serve occupants of Hawaiian home lands, including acquisition or lease therefor of real property and interests therein, such as water rights or other interests;{Act 229, 1978, Haw. Sess. Laws} (B) 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; {Act 229, 1978, Haw. Sess. Laws} (C) For operation and maintenance of such improvements constructed from such funds or other funds; {Act 229, 1978, Haw. Sess. Laws} (D) 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{Act 229, 1978, Haw. Sess. Laws} For appraisals, studies, consultants (architects, engineers), or any other staff services including those in section 202(b) required to implement, develop, and 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, maybe supplemented by transfers, made on a loan basis from the Hawaiian home loan fund for a period not exceeding ten years; provided that the aggregated{Act 260, 1984, Haw. Sess. Laws} aggregate {Act 260, 1984, Haw. Sess. Laws} amount of such transfers outstanding at any one time shall not exceed \$500,000.{Act 229, 1978, Haw. Sess. Laws}*

²³⁵ Act 27, 1998, Haw. Sess. Laws. Deleting the following text within []:~~seven~~{ Constitutional Convention Hawaii 1978, at p. 2, 1978.}~~eight~~{ Constitutional Convention Hawaii 1978, at p. 2, 1978} *five*{ Act 249, 1986, Haw. Sess. Laws}*special*

²³⁶ *Act 27, 1998, Haw. Sess. Laws.

²³⁷ Act 27, 1998, Haw. Sess. Laws. Deleting the following text within []:*the Hawaiian home administration account,*

²³⁸ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *the Hawaiian loan guarantee fund,*

²³⁹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *the borrowed money fund,*

²⁴⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: ~~and~~{ Constitutional Convention Hawaii 1978, at p. 2, 1978} *the Hawaiian home education fund*{Act 229, 1978, Haw. Sess. Laws},

²⁴¹ Act 174, 2012, Haw. Sess. Laws,

²⁴² Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []:*Moneys transferred to*

²⁴³ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []:*of this Act*

²⁴⁴ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []:*; or the operating fund.*{Act 229, 1978, Haw. Sess. Laws}

²⁴⁵ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []:*defined in section 204 of this Act*

²⁴⁶ *Act 152, 1994, Haw. Sess. Laws.

²⁴⁷ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: (3) *The Hawaiian loan guarantee fund. There may be created a fund to support the guarantee of repayment of loans made by government agencies or private lending institutions to those holding leases or licenses issued under section 207 of this Act. The department's guarantee of repayment shall be adequate security for a loan*

under any state law prescribing the nature, amount, or form of security or requiring security upon which loans may be made. {Act 229, 1978, Haw. Sess. Laws} (4)

²⁴⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 143, 1983, Haw. Sess. Laws. Deleting the following text within []: *the borrowed money fund, and* {Act 192, 1981, Haw. Sess. Laws} *the Hawaiian home loan fund, and the native Hawaiian rehabilitation fund* {Act 192, 1981, Haw. Sess. Laws}

²⁴⁹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *the Hawaiian home development fund,*

²⁵⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *(5) Moneys transferred to the Hawaiian home administration account shall be used to fund salaries and other administrative expenses related to loan services and delinquent collection activities.* {Act 260, 1984, Haw. Sess. Laws} *(6) Borrowed money fund. The department may borrow from government agencies or private lending institutions and deposit borrowed moneys into this fund to be used for the purpose 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 upon loans made to them from this fund shall be deposited into this fund* {Act 229, 1978, Haw. Sess. Laws}; *any additional interest or other earnings arising out of investments from this fund shall be credited to and deposited into the Hawaiian home interest fund* {Act 143, 1983, Haw. Sess. Laws}

²⁵¹ Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: *Administration*

²⁵² Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *(7) Hawaiian home education fund. Moneys transferred to this fund may be drawn upon from time to time by the department of education, with prior written approval of the governor, for such educational projects as shall be developed and directed by the department of education and department of Hawaiian home lands; provided that such projects shall be directed primarily to the educational improvement of the children of lessees, the funds to be used primarily at the preschool and elementary grade levels.* {Act 229, 1978, Haw. Sess. Laws}

²⁵³ Act 187, 2010, Haw. Sess. Laws. Deleting and adding the following text within [] ~~*State-Hawaii*~~

²⁵⁴ Act 187, 2010, Haw. Sess. Laws. Adding the following text within []: *and fifteen per cent of all revenues from lease agreements granted lease extensions pursuant to section __,*

²⁵⁵ *Act 117, 2002, Haw. Sess. Laws.

²⁵⁶ *Act 117, 2002, Haw. Sess. Laws. Deleting the following text within []: *but not be limited to*

²⁵⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 192, 1981, Haw. Sess. Laws.

²⁵⁸ Act 187, 2010, Haw. Sess. Laws. Adding the following text within []: *The department shall submit an annual report to the legislature and the United States Department of the Interior, no later than twenty days prior to the convening of each regular session of the legislature, beginning with the regular session of 2011, on expenditures from this fund that are derived from the amounts deposited from commercial and multipurpose project lease extensions pursuant to section (e), including the amount expended, the recipients of the moneys expended, and the purpose of the expenditure."*

²⁵⁹ Act 283, 1989, Haw. Sess. Laws. Creating section 213.5 with the following text: A separate special fund of the department shall be established for each undertaking or part thereof financed from the proceeds of revenue bonds equally secured. Each fund shall be designated "department of Hawaiian home lands revenue bond special fund" and bear any additional designation the department deems appropriate to properly identify the fund. Any law to the contrary notwithstanding, including nay provision of this Act, from and after the issuance of revenue bonds under the pursuant to the provisions of this Act and part III of chapter 39, Hawaii Revised Statutes, to finance an undertaking , all rentals, income, receipts, and other revenues derived by the department from the particular undertaking for which financing is undertaken shall be paid into the special fund established pursuant to this Act and applied in the manner and for the purposes set forth in part III of chapter 39, Hawaii Revised Statutes, and the proceedings authorizing the issuance of revenue bonds. (including section title as currently reflected).

²⁶⁰ *Act 177, 2006, Haw. Sess. Laws.

²⁶¹ Act 177, 2006, Haw. Sess. Laws. Deleting the following text within []: *in the treasury of the State*

²⁶² *Act 14, 1995, Haw. Sess. Laws (including section title as currently reflected).

²⁶³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: *LOANS, PURPOSES OF.* {Act 14, 1962, Haw. Sess. Laws}

²⁶⁴ Act 76, 1972, Haw. Sess. Laws.; Act 209, Haw. Sess. Laws (amending section title as currently reflected).

²⁶⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: *is hereby authorized to*

²⁶⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 76, H.B. 819 (1972).

267 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: *the lessee of any tract, or*{Act 14, 1962, Haw. Sess. Laws} *the successor to his interest therein*

268 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: *all of whose members are lessees.*{Act 14, 1962, Haw. Sess. Laws}

269 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 259, H.B. 21 (1969).

270 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: ~~and~~{Act 259, 1969, Haw. Sess. Laws}

271 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *lessees of the department*

272 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: ~~said~~{Act 229, 1978, Haw. Sess. Laws} *the* {Act 229, 1978, Haw. Sess. Laws} *lessee* {Act 76, 1972, Haw. Sess. Laws}

273 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *development in operating funds*

274 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~such an~~

275 Act 114, 2011, Haw. Sess. Laws. Deleting the following text within []: ~~such~~

276 Act 114, 2011, Haw. Sess. Laws. Deleting the following text within []: ~~such~~

277 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~such~~ *the department's*

278 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: *up to a maximum of* [] {Act 203, 1981, Haw. Sess. Laws} *\$50,000* {Act 203, 1981, Haw. Sess. Laws}

279 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~such these~~

280 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~such the~~

281 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~the~~ (A) The

282 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~the~~ (B) The

283 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws.

284 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~any~~ (C) Any

285 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []: *paragraph (3)*

286 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 209, 1979, Haw. Sess. Laws.

287 *Act 283, 1997, Haw. Sess. Laws.

288 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []: *\$18,000,000* {Act 229, 1978, Haw. Sess. Laws}

289 Act 232, 1996, Haw. Sess. Laws. Deleting the following text within []: *\$21,000,000* {Act 209, 1979, Haw. Sess. Laws}

290 Act 114, 2011, Haw. Sess. Laws. Deleting the following text within []: *\$50,000,000*

291 *Act 232, 1996, Haw. Sess. Laws.

292 Act 114, 2011, Haw. Sess. Laws. Adding the following text within []: *\$100,000,000*

293 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within []: ~~such~~ *guarantee*

294 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 85, 1986, Haw. Sess. Laws.

295 Act 14, 1962, Haw. Sess. Laws, (earliest amendment on file incorporating the section title as currently reflected).

296 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws. Deleting the following text within []: *213(i)*, {Act 76, 1972, Haw. Sess. Laws}

297 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: *213(a)(5)*

298 Act 197, 1997, Haw. Sess. Laws. Deleting the following text within []: *213(a)(2)* {Act 28, 1989, Haw. Sess. Laws}

299 Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: *to any one borrower outstanding at any one time*

300 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: *The amount of loans*

301 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws.

302 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: *of a tract of agricultural or pastoral land* {Pub. L. No. 75-200, 50 Stat. 497 (1937)} *shall not, with*

respect to the provisions of subsections (1), (2), and (3) of section 214, {Act 14, 1962, Haw. Sess. Laws} exceed {Pub. L. No. 80-638, 62 Stat. 390 (1948)} {Pub. L. No. 82-482, 66 Stat. 514 (1952)} {Pub. L. No. 82-482, 66 Stat. 514 (1952)} {Act 29, 1968, Haw. Sess. Laws} \$25,000 {Act 29, 1968, Haw. Sess. Laws} {Pub. L. No. 75-200, 50 Stat. 497 (1937)}; and {Act 14, S.B. 96 (1962, Haw. Sess. Laws) to any lessee {Hawaiian Homes Commission Act, Pub. L. No. 75-200, 50 Stat. 497 (1937)}, or successor or successors in interest, of a residence lot⁵⁴ shall not exceed {Pub. L. No. 80-638, 62 Stat. 390 (1948)} {Pub. L. No. 82-482, 66 Stat. 514 (1952)} {Act 18, 1962, Haw. Sess. Laws} {Act 29, 1968, Haw. Sess. Laws} \$20,000 {Act 29, 1968, Haw. Sess. Laws}, but with respect to the provisions of subsection (4) of section 214 shall be without limit, and to any agricultural cooperative association shall be determined by the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} on basis of the proposed operations of the association and the security available {Act 14, 1962, Haw. Sess. Laws} And with respect to subsection (5) of section 214 shall be determined by the department on the basis of the proposed operations of the lessee(s) or the association or the security available, {Act 76, 1972, Haw. Sess. Laws}

³⁰³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 72, 1976, Haw. Sess. Laws. Deleting the following text within []: \$25,000

³⁰⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []: \$35,000 {Act 72, 1976, Haw. Sess. Laws}

³⁰⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: \$50,000 {Act 203, 1981, Haw. Sess. Laws}

³⁰⁶ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws.

³⁰⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 72, 1976, Haw. Sess. Laws. Deleting the following text within []: \$25,000

³⁰⁸ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: \$35,000 {Act 72, 1976, Haw. Sess. Laws},

³⁰⁹ Act 85, 2006, Haw. Sess. Laws. Deleting and adding the following text within []: ~~\$50,000~~ \$200,000

³¹⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws. Deleting the following text within []: paragraph (4) of section 214

³¹¹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: 214(1)(4) {Act 90, 1981, Haw. Sess. Laws}

³¹² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws.

³¹³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws. Deleting the following text within []: where,

³¹⁴ Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within []: appraisal and

³¹⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: 209 (1)

³¹⁶ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: made to the legal representative of the deceased lessee, or to the previous lessee, as the case may be,

³¹⁷ Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within []: shall be considered as part or all, as the case may be, of any such loan without limitation as to the maximum amounts herein specified in this section. {Pub. L. No. 75-200, 50 Stat. 497 (1937)}

³¹⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 29, 1968, Haw. Sess. Laws. Deleting the following text within []: ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}, or the surrender of a lease by the

³¹⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []: the {Act 76, 1972, Haw. Sess. Laws} provisions of paragraph (3) of this section.

³²⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: Provided, That payments in

³²¹ Pub. L. No. 82-482, 66 Stat. 514 (1952). Deleting the following text within []: 3 per centum

³²² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: 2½ per centum {Pub. L. No. 82-482, 66 Stat. 514 (1952)}

³²³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 76, 1972, Haw. Sess. Laws. Deleting the following text within []: per annum

³²⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 72, 1976, Haw. Sess. Laws. Deleting the following text within []: the State has

³²⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 72, 1976, Haw. Sess. Laws.

³²⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 72, 1976, Haw. Sess. Laws. Deleting the following text within []: *for other loans*³⁰¹

³²⁷ Act 107, 2000, Haw. Sess. Laws. Deleting the following text within []: *law {Act 72, 1976, Haw. Sess. Laws} {Act 72, 1976, Haw. Sess. Laws} for other loans*

³²⁸ *Act 107, 2000, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []: *rule adopted by the department*

³²⁹ Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: *upon an amortization plan by means of a fixed number of ~~annual~~ {Pub. L. No. 77-325, 55 Stat. 782 (1941)} installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the Commission in each case, {Pub. L. No. 77-325, 55 Stat. 782 (1941)} sufficient to cover (a) interest on the unpaid principal at the rate of [] {Pub. L. No. 75-200, 50 Stat. 497 (1937)} 3 {Pub. L. No. 75-200, 50 Stat. 497 (1937)} per centum per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding thirty years. The moneys received by the Commission from any installment paid upon such loan shall be covered into the fund.*

³³⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *, with the concurrence therein of [] {Act 14, 1962, Haw. Sess. Laws} the majority of all the {Act 14, 1962, Haw. Sess. Laws} members of the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws},*

³³¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: *at the rate of [] {Pub. L. No. 77-325, 55 Stat. 782 (1941)}. [] {Pub. L. No. 82-482, 66 Stat. 514 (1952)} two and one-half per cent {Pub. L. No. 82-482, 66 Stat. 514 (1952)} [] {Act 76, 1972, Haw. Sess. Laws} a year on the unpaid principal [] {Pub. L. No. 77-325, 55 Stat. 782 (1941)}*

³³² Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within []: *borrower's*

³³³ Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: *interest in his tract or his successor's interest therein is transferred to or mortgaged, pledged, or otherwise held for the benefit of any native Hawaiian, or agreed so to be transferred, mortgaged, pledged, or otherwise held, as permitted by paragraph (5) of section 208 of this title, the commission may at its option declare all annual installments upon the loan immediately due and payable or permit the successor to the borrower's interest in the tract to assume the contract of loan. In case of the borrower's death, the commission shall permit the successor to the borrower's interest in the tract to assume the contract of loan.*

³³⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*

³³⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []: *of this section*

³³⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*

³³⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []: *of this section*

³³⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *, with the concurrence therein of [] {Act 14, 1962, Haw. Sess. Laws} of the majority of all its Act 14, 1962, Haw. Sess. Laws} members*

³³⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: *at the rate of [] {Pub. L. No. 82-482, 66 Stat. 514 (1952)} [] {Pub. L. No. 82-482, 66 Stat. 514 (1952)} two and one-half per cent {Pub. L. No. 82-482, 66 Stat. 514 (1952)} a year {Act 76, 1972, Haw. Sess. Laws} on the unpaid principal.*

³⁴⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *with the concurrence therein of [] Act 14, 1962, Haw. Sess. Laws} the majority of all its Act 14, 1962, Haw. Sess. Laws} members,*

³⁴¹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 28, 1989, Haw. Sess. Laws. Deleting the following text within []: *209 (1)*

³⁴² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: *the provisions of*

³⁴³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []: *of this section*

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- ³⁴⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []:*in the tract*
- ³⁴⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []:*in the tract*
- ³⁴⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 203, 1981, Haw. Sess. Laws. Deleting the following text within []:*the provisions of*
- ³⁴⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []:*by virtue of his interest in the tract*
- ³⁴⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []:*by regulation*
- ³⁴⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []:*all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund*
- ³⁵⁰ Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: *the annual installments payable under the amortization plan.*
- ³⁵¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []:*in the tract*
- ³⁵² Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: *annual installments*
- ³⁵³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []:*his tract*
- ³⁵⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: *dwellings, or other permanent improvements thereon, and his livestock, to the amount of all []{Pub. L. No. 80-638, 62 Stat. 390 (1948)} principal and interest {Pub. L., No. 80-638, 62 Stat. 390 (1948)} due and unpaid and of all taxes upon such tract and improvements paid by the Commission, and of all indebtedness of the lessee, the payment of which has been assured by the Commission. {Pub. L., No. 80-638, 62 Stat. 390 (1948)}*
- ³⁵⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*of all*
- ³⁵⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: *, including loans from governmental agencies where such loans have been approved by the department.*{Act 146, H.B. 138 (1967)}
- ³⁵⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: *the tract, said growing crops,*{Pub. L. No. 75-200, 50 Stat. 497 (1937)} *dwellings, other improvements, or livestock*
- ³⁵⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*at such times as it deems advisable,*
- ³⁵⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: *his tract, or his successor's interest therein, as the case may be, together with the said growing crops,⁵¹ dwellings and other permanent improvements thereon, and the livestock, to be forfeited, and the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time.*
- ³⁶⁰ Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: *in his favor between (1) the fair value of the live stock and any improvements in respect to the tract made by the borrower or any predecessor to his interest in the tract, and (2) the amount of the lien.*
- ³⁶¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*paragraph (1) of*
- ³⁶² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []:*of this title*
- ³⁶³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 146, 1967, Haw. Sess. Laws. Repealing the following text within []: *SEC. 218. No lessee of any tract or any successor to his interest therein shall be eligible to receive in respect to such tract any loan made under the provisions of the act of the legislature of the Territory entitled "the Farm Loan Act of Hawaii, approved April 30, 1919.*
- ³⁶⁴ Act 325, 1991, Haw. Sess. Laws (renames section 219 and 219.1 title as currently reflected)
- ³⁶⁵ Pub. L. No. 105-21, 11 Stat. 235 (1997); Act 339, 1993, Haw. Sess. Laws.
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³⁶⁶ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: DEVELOPMENT PROJECTS; APPROPRIATIONS BY STATE LEGISLATURE; BONDS ISSUED BY LEGISLATURE. It is likely this deletion was the result of a drafting error committed by the State when it submitted Act 249, 1986, to Congress. Evidence for this supposition is found in the State's passage of Act 325, 1991, which included the deleted text as if the text had not been previously proposed for deletion by the State (Act 249, 1986) and then deleted by Congress in 73 Stat. 4 (1992). Because the proposed edit by the State was likely a drafting error, is non-substantive, and hinders the readability of the HHCA, for the purpose of the guide, the title of Sec. 220 will remain listed in green.

³⁶⁷ *Act 325, 1991, Haw. Sess. Laws (incorporates section title as currently reflected).

³⁶⁸ Act 325, 1991, Haw. Sess. Laws. Deleting the following text within []:*or city and county*

³⁶⁹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *Hawaiian home-loan fund, the Hawaiian home-development fund, the Hawaiian home-operating fund* {Pub. L., No. 80-638, 62 Stat. 390 (1948)} *and the Hawaiian home-administration account*

³⁷⁰ Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within []: *to carry on its administration and maintenance activities, and to accumulate a revolving loan fund of \$1,000,000*{Pub. L. No. 75-200, 50 Stat. 497 (1937)}.

³⁷¹ Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: *The Commission shall pay from the Hawaiian home-loan fund into the treasury of the Territory—(1) Upon the date when any interest payment becomes due upon any bond so issued, the amount of the interest then due; and (2) Commencing with the first such date more than one year subsequent to the issuance of any bond and at each interest date thereafter, an amount such that the aggregate of all such amounts which become payable during the term of the bond, compounded annually at the rate of interest specified therein, shall equal the par value of the bond at the expiration of its term.*

³⁷² Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []:*Hawaiian Irrigation Authority*

³⁷³ Pub. L. No. 84-899, 70 Stat. 915 (1956).

³⁷⁴ *Act 84, 1986, Haw. Sess. Laws (subject to consent; also note that upon consent, the administrative portions in blue will immediately take effect).

SEC. 220.5. DEVELOPMENT BY CONTRACT; DEVELOPMENT BY PROJECT DEVELOPER AGREEMENT. (a) Notwithstanding any law to the contrary, the department is authorized to enter into and carry out contracts to develop available lands for homestead, commercial, and multi-purpose projects; provided that the department shall not be subject to the requirements of competitive bidding if no state funds are to be used in the development of the project.

(b) Notwithstanding any law to the contrary, the department is authorized to enter into project developer agreements with qualified developers for, or in connection with, any homestead, commercial, or multi-purpose project, or portion of any project; provided that prior to entering into a project developer agreement with a developer, the department shall:

- (1) Set by appraisal the minimum rental of the lands to be disposed of on the basis of the fair market value of the lands;
- (2) Give notice of the proposed disposition in accordance with applicable procedures and requirements of section 171-60(a)(3), Hawaii Revised States;
- (3) Establish reasonable criteria for the selection of the private developer; and
- (4) Determine within forty-five days of the last day for filing applications the applicant or applicants who meet the criteria for selection, and notify all applicants of its determination within seven days of such determination. If only one applicant meets the criteria for selection as the developer, the department then may negotiate the details of the project developer agreement with the developer; provided that the terms of the project developer agreement shall not be less than those proposed by the developer in the application. If two or more applicants meet the criteria for selection, the department shall consider all of the relevant facts of the disposition or contract, the proposal submitted by each applicant, and the experience and financial capability of each applicant and, within forty-five days from the date of selection of the applicants that met the criteria, shall select the applicant who submitted the best proposal. The department then may negotiate the details of the disposition with the developer, including providing benefits to promote native Hawaiian socio-economic

advancement; provided that the terms of the project developer agreement shall not be less than those proposed by the developer in the application.

(c) Any project developer agreement entered into pursuant to this section shall include the following terms and conditions, wherever appropriate.

- (1) A requirement that the developer file with the department a good and sufficient bond conditioned upon the full and faithful performance of all the terms, covenants, and conditions of the project developer agreement;
- (2) The use or uses to which the land will be put;
- (3) The dates on which the developer must submit to the department for approval preliminary plans and final plans and specifications for the total development. No construction shall commence until the department has approved the final plans and specifications; provided that construction on an incremental basis may be permitted by the department;
- (4) The date of completion of the total development, including the date of completion of any permitted incremental development;
- (5) The minimum requirements for off-site and on-site improvements that the developer must install, construct, and complete by the date of completion of the total development. The department may permit incremental development and establish the minimum requirements for off-site and on-site improvements that must be installed, constructed, and completed prior to the date of completion of the total development; and
- (6) Any other terms and conditions deemed necessary by the department to protect the interest of the State and the department

(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 []: deleting the following text from within []: *the {Act 146, 1993, Haw. Sess. Laws}*:

- (1) The {Act 146, 1993, Haw. Sess. Laws} term of any one project developer agreement shall not exceed sixty-five years; []: deleting the following text from within []: *and provided further that any {Act 146, 1993, Haw. Sess. Laws}*
- (2) Any {Act 146, 1993, Haw. Sess. Laws} lands disposed of under a project developer agreement shall be subject to withdrawal at any time during the term of the agreement, with reasonable notice; and []: deleting the following text from within []: *and provided that the {Act 146, 1993, Haw. Sess. Laws}*
- (3) The {Act 146, 1993, Haw. Sess. Laws} 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; {Act 146, 1993, Haw. Sess. Laws}* or the developer, in the alternative, may remove and relocate the developer's improvements to the remainder of the lands occupied by the developer.

(e) The project developer agreement may permit the developer, after the developer has completed construction of any required off-site improvement, to assign or sublease with the department's approval portions of the leased lands in which the construction of any required off-site improvement has been completed to a purchaser or sublessee who shall assume the obligations of the developer relative to the parcel being assigned or subleased, including the construction of any on-site improvement. The department may permit a developer to share in the lease rent from the assigned lease for a fixed period in order to recover costs and profit.

(f) Whenever the department enters into a project developer agreement to develop a homestead project, the department shall provide for the purchase of the completed project or that portion of a completed project developed for disposition to native Hawaiians, and shall dispose of the lands in accordance with this Act; provided that the project developer agreement shall not encumber any existing homestead lease in the project area.

(g) As used in this section, the following words and terms shall have the following meanings unless the context indicates another or different meaning or intent

“Commercial project” means a project or that portion of a multi-purpose project, including single-family or multiple-family residential, agricultural, pastoral aquacultural, industrial, business, hotel and resort, or other commercial uses designed and intended to generate revenues as authorized by this Act;

“Developer” means any person, partnership, cooperative, firm, nonprofit or for-profit corporation, or public agency possessing the competence, expertise, experience, and resources, including financial, personal, and tangible resources, required to carry out a project;

“Homestead project” means a project or that portion of a multi-purpose project, including residential, agricultural, pastoral, or aquacultural uses designed and intended for disposition to native Hawaiians under this Act; provided that this term shall also include community facilities for homestead areas.

“Multi-purpose project” means a combination of a commercial project and a homestead project;

“Project” means a specific undertaking to develop, construct, reconstruct, rehabilitate, renovate, or to otherwise improve or enhance land or real property

“Project developer agreement” means any lease, sublease, conditional leasing agreement, disposition agreement, financing agreement, or other agreement or combination of agreement, entered into under this section by the department, for the purpose of developing one or more projects.

“Project developer agreement” means any lease, sublease, conditional leasing agreement, disposition agreement, financing agreement, or other agreement or combination of agreement, entered into under this section by the department, for the purpose of developing one or more projects.

(h) The department is authorized to adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to implement and carry out the purposes of this section.

³⁷⁵ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 24, 1990, Haw. Sess. Laws.

³⁷⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *Commissioner of Public Lands*

³⁷⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 90, 1981, Haw. Sess. Laws. Deleting the following text within []: *667 to 678, inclusive, of the Revised Laws of Hawaii of 1915*

³⁷⁸ Pub. L. No. 84-899, 70 Stat. 915 (1956). Deleting the following text within []: *Government-owned water upon the island of Molokai, and*

³⁷⁹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act, 24, 1990, Haw. Sess. Laws. Deleting the following text within []: *the passage of this Act*

³⁸⁰ Pub. L. No. 84-899, 70 Stat. 915 (1956). Deleting the following text within []: *any of the water upon the island of Molokai, and*

³⁸¹ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 24, 1990, Haw. Sess. Laws. Deleting the following text within []: *Hawaiian Homes Commission*

³⁸² Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 24, 1990, Haw. Sess. Laws. Deleting the following text within []: *Hawaiian Homes Commission*

³⁸³ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 24, 1990, Haw. Sess. Laws. Deleting the following text within []: *Hawaiian Homes Commission*

³⁸⁴ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 36, 1984, Haw. Sess. Laws.

³⁸⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 36, 1984, Haw. Sess. Laws. Deleting the following text within []: *the provision*

³⁸⁶ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: *The ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} may make such regulations and, with the approval in writing of the governor of the Territory, may make such expenditures including salaries, and appoint and remove such employees and agents, as are necessary to the efficient execution of the functions vested in the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} by this title. All expenditures of the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}, []{Pub. L. No. 77-325, 55 Stat. 782 (1941)} as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, or the Hawaiian home-operating fund, {Pub. L., No. 80-638, 62 Stat. 390 (1948)} and all moneys necessary for loans made by the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}, in accordance with the provisions of this chapter, from the Hawaiian home-loan fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}. Pub. L. No. 77-325, 55 Stat. 782 (1941)}. The ~~commission~~{Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} shall make a ~~biennial~~ report {Act 13, 1959, Haw. Sess. Laws} annual report {Act 13, 1959, Haw. Sess. Laws}} to the legislature of the Territory upon the first day of each regular session thereof and such special reports as the legislature may from time to time require. The executive officer and secretary shall give bond in the sum of*

\$25,000 for the faithful performance of his duties. The sureties upon the bond and the conditions thereof shall be approved annually by the ~~commission~~ {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}.

³⁸⁷ Act 173, 1973, Haw. Sess. Laws (earliest amendment on file incorporating the section title as currently reflected).

³⁸⁸ Act 110, 2001, Haw. Sess. Laws. Deleting the following text within []: *The department shall adopt rules and regulation and policies in accordance with the provisions of chapter []{Act 173, 1972, Haw. Sess. Laws} 91, Hawaii Revised Statutes {Act 173, 1972, Haw. Sess. Laws}.*

³⁸⁹ * Act 110, 2001, Haw. Sess. Laws.

³⁹⁰ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, or the Hawaiian home-operating fund*

³⁹¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []: *and all monies necessary for loans made by the department,*

³⁹² Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: *from the Hawaiian home-loan fund,*

³⁹³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []: *in the sum of \$25,000 for the faithful of the performance of his duties.*

³⁹⁴ Act 110, 2001, Haw. Sess. Laws. Deleting the following text within []: *within ten days*

³⁹⁵ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1972, Haw. Sess. Laws.

³⁹⁶ Act 120, 1973, Haw. Sess. Laws (earliest amendment on file incorporating section title as currently reflected).

³⁹⁷ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 120, 1976, Haw. Sess. Laws.

³⁹⁸ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 120, 1976, Haw. Sess. Laws. Deleting the following text within []: *of Hawaii*

³⁹⁹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 120, 1976, Haw. Sess. Laws. Deleting the following text within []: *Hawaiian Homes Commission while he is carrying on his duties in the ~~Territory~~{Act 207, 1963, Haw. Sess. Laws} State {Act 207, 1963, Haw. Sess. Laws} of Hawaii, which salary, however, shall not exceed the sum of \$6,000 per annum {Pub. L. No. 74-223, 49 Stat. 504 (1935)}*

⁴⁰⁰ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 30, 1965, Haw. Sess. Laws (earliest amendment on file incorporating section title as currently reflected).

⁴⁰¹ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 30, 1965, Haw. Sess. Laws. Deleting the following text within []: *the loan fund*

⁴⁰² Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 143, 1983, Haw. Sess. Laws. Deleting the following text within []: *Any interest or other earnings arising out of such investments shall be credited to and deposited in []{Pub. L. No. 80-638, 62 Stat. 390 (1948)} the []{Act 229, 1978, Haw. Sess. Laws} Hawaiian home interest fund, except earnings derived from investments in the Hawaiian home administration account and the native Hawaiian rehabilitation fund account {Act 192, 1981, Haw. Sess. Laws} which shall revert to the same account. {Act 229, 1978, Haw. Sess. Laws}*

⁴⁰³ Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 204, 1978, Haw. Sess. Laws. (earliest amendment on file incorporating section title as currently reflected).

⁴⁰⁴ Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 16, 1986, Haw. Sess. Laws.

⁴⁰⁵ Act 187, 2010, Haw. Sess. Laws. Adding the following text within []: **SEC. 228. COMMERCIAL AND MULTIPURPOSE PROJECT LEASES; EXTENSION OF TERM.** (a) *Notwithstanding any law to the contrary, the procedures under this section shall apply to commercial and multipurpose projects under section 204 or 220.5, and shall be in addition to any other procedures required by law. (b) Prior to the disposition of available land through a request for proposals for an initial lease for a commercial or multipurpose project, the department shall consult with the beneficiaries of the trust in the master planning of the available lands. The process of beneficiary consultation shall be as established by the department and shall: (1) Engage beneficiaries and beneficiary-serving organizations; (2) Provide for the timely dissemination of information about the proposed project and gathering of input; and (3) Allow for a reasonable time and reasonable access to relevant information for evaluation and consideration (c) Notwithstanding section 220.5(d)(1), the department may extend the term of a lease of Hawaiian home lands for commercial or multipurpose projects and with the approval by the department of a written agreement proposed by the lessee, or the lessee and developer, to: (1)*

Make improvements to the leased property; or (2) Obtain financing for the improvement of the leased lands. The extension of the lease pursuant to this section shall be based upon the improvements made or to be made, shall be no longer than twenty years, and shall be granted only once. (d) Before the written agreement is approved, the lessee, or the lessee and developer, shall submit to the department the plans and specification for the proposed development. The department shall review the plans, specifications, and the written agreement and determine: (1) Whether the development is of sufficient value and meets the priorities of the commission to justify an extension of the lease; (2) The estimated time needed to complete the improvements and expected date of completion of the improvements; and (3) The minimum revised annual rent based on the fair market value of the lands to be developed, as determined by an appraiser for the department, and percentage rent where gross receipts exceed a specified amount. The commission shall adopt and publish a policy pursuant to chapter 91, Hawaii Revised Statutes, which shall be used to evaluate any request for a lease extension, including the terms of the lease, prospective payments, and renegotiation, and shall be used by the commission for any final determination on a lease extension request. (e) Upon the extension of a lease term pursuant to subsection (c), the department shall deposit fifteen per cent of all revenues generated from the lease from the time the lease extension is granted, into the native Hawaiian rehabilitation fund under section 213(i). (f) The department shall submit an annual report to the legislature and the United States Department of the Interior, no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2011, of all leases of available lands for commercial and multipurpose projects, including the following: (1) The total number of leases; (2) Acreage of each lease; (3) Terms of each lease; (4) Whether the lessee is a beneficiary or beneficiary controlled organization; and (5) Whether the lease was for retained available lands not required for leasing under section 207(a), and was negotiated with a native Hawaiian, or organization or association owned or controlled by native Hawaiians, under section 204(a)(2). (g) As used in this section, "improvements" means any renovation, rehabilitation, reconstruction, or construction of the property, including minimum requirements for off-site and on-site improvements."

⁴⁰⁶Act 75, 1986, Haw. Sess. Laws. Repealed by its own sunset terms the following text within by []: TITLE 5.— HOMESTEAD GENERAL LEASING PROGRAM. SEC. 501. DEFINITIONS. As used in this title if not inconsistent with the context: "Homestead general lease" means a lease for residential, agricultural, pastoral, or aquacultural purposes issued under this title; "Homestead general lessee" means the lessee under a homestead general lease and the successors in interest of the lessee.⁴⁰⁶ SEC. 502. SUBDIVISION, IMPROVEMENT, AND LEASE OF HAWAIIAN HOME LANDS. (a) The department is authorized to subdivide and improve any Hawaiian home lands suitable for residential use including single-family, multiple-family, apartment, cluster, and row housing, or for agricultural, pastoral, or aquacultural uses, or a combination of uses. (b) The department is authorized to enter into agreements, including leases, subleases, conditional leasing agreements, or other agreements or auction for the construction of off-site and on-site infrastructure improvements and for the development of tracts or residential units on Hawaiian home lands; provided that the developers' lease and security interest therein will be retired on a pro rata basis by the issuance of either homestead leases or homestead general leases to native Hawaiians purchasing the subdivided lot and the improvements related thereto; provided further that no state funds shall be utilized. (c) The qualification requirements to be met by developers and the minimum standards for improvements to be built shall be as provided by rules adopted by the department. SEC. 503. TERM, RENT, AND OTHER CONDITIONS OF THE HOMESTEAD GENERAL LEASE. (a) Leases under this title may be for an initial term of not more than fifty-five years with the privilege of extension when such extension is a condition for participation in any government or private mortgage lending, guarantee, or insurance program; provided that the initial term and extensions shall not exceed seventy-five years. (b) Annual lease rent shall be an amount equal to the fair market rent of the premises at the inception of the homestead general lease, as determined by appraisal. The homestead general lease may include rent escalation and renegotiation clauses for specific periods during the term of the homestead general lease as determined by the department; provided that the department is authorized to subsidize lease rents for native Hawaiian homestead general lessees. (c) The homestead general lessee shall pay all real property taxes, assessments for the homestead general lessee's pro rata share of the costs of improvements of the tract in which the land is located, and such other charges made against or levied upon the premises. (d) When constructing any improvements on the premises, the homestead general lessee shall comply with building standards and requirements established by the department. (e) The premises shall be used for the purpose prescribed in the original homestead general lease and shall not be used for any other purpose without the prior written consent of the department. (f) Leases under this title shall contain conditions permitting the homestead general lessee to sublet or part with the possession of the whole or

any part of the premise and to sell, assign, transfer, or otherwise dispose of, or encumber by way of a mortgage or otherwise, any interest in the homestead general lease or any improvements erected on the premises with the prior written consent of the department. (g) The department is authorized from time to time upon the issuance of a homestead general lease, to modify any provision contained in this section and section 512 of this title to the extent necessary to qualify the homestead general lease for any government or private mortgage lending, guarantee, or insurance program. (h) The department is authorized to include any other conditions in homestead general leases that it deems advisable to effectuate the purposes of this title. SEC. 504.

QUALIFICATIONS OF ORIGINAL LESSEE. The original lessee of a homestead general lease shall be a native Hawaiian or native Hawaiians not less than eighteen years of age. SEC. 505. The following shall not be eligible to receive a homestead general lease: (1) Any individual, or the spouse of any individual who holds a homestead lease under section 207(a) of this Act; provided that such an individual shall be eligible if the homestead lease is transferred or surrendered to the department prior to assuming the homestead general lease, or if the homestead lease is converted to a homestead general lease as provided in section 507. (2) Any individual, or the spouse of any individual who currently holds a homestead general lease. SEC. 506. **AWARD OF HOMESTEAD GENERAL LEASES; NOTIFICATION OF APPLICANTS ON HOMESTEAD WAITING LISTS; DISPOSITION BY RENT.**

(a) Homestead general leases in a new subdivision created under this title shall be offered and awarded in the following priority order: (1) First, to applicants on the appropriate waiting list (residential, agricultural, pastoral, or aquacultural) of the island on which the lots are located, in rank order based on rules of the department; (2) Second, to applicants on all other homestead waiting lists of the island on which the lots are located, consolidated in rank order based on date of application; (3) Third, to all other applicants on homestead waiting lists, consolidated in rank order based on date of application; and (4) Finally, to any native Hawaiian who is at least eighteen years of age, based on the date that written applications are received; provided that department shall not be required to maintain the applications received as a waiting list for other subdivisions subsequently created. (b) The department shall notify applicants on homestead waiting lists of the availability of homestead general leases by publishing a public notice in a newspaper of general circulation and in a newspaper published in each county; provided that the department shall also notify active applicants on the appropriate waiting list on the island on which the lots are located by certified mail. (c) If lots or units are available after all interested and qualified native Hawaiians have been awarded lots or units, the department may temporarily dispose of the remaining lots or units at fair market

rental to the general public with preference to native Hawaiians. The department may develop rental units on the remaining lots and rent them at fair market rental to the general public, with preference given to native Hawaiians. SEC. 507. **CONVERSION OF HOMESTEAD LEASE TO HOMESTEAD GENERAL LEASE.** The department is authorized to permit a lessee to convert any homestead lease to a homestead general lease. The procedures and conditions for such conversion shall be as provided by rules adopted by the department. SEC. 508. **TRANSFER OF TITLE BY BEQUEST, DEVISE, INTESTATE SUCCESSION, OR OPERATION OF LAW, AND UPON FORECLOSURE.** Title to a homestead general lease and to the improvement upon the premises, may be transferred by assignment, operation of law. Individuals, partnerships, corporations, or agencies of government, disqualified under the Act to take a lease for homestead purposes, may succeed and take title to a homestead general lease and the improvements on the premises by transfer or by purchasing at or after a sale upon a foreclosure of a mortgage permitted under this title. SEC. 509. **NOTICE OF BREACH OR DEFAULT.** In the event of a breach or default of any term, covenant, restriction, or condition of any homestead general lease or other instrument issued under this title, the department shall deliver a written notice of the breach or default by personal service or by registered or certified mail to the party in default and to each holder of record having any security interest in the land covered by or subject to the lease or other instrument, making demand upon the party to cure or remedy the breach or default within sixty calendar days from the date of receipt of the notice; provided that where the breach involves a failure to make timely rental payments pursuant to the homestead general lease or other instrument issued under this title, the written notice shall include a demand upon the party to cure the breach within not less than five or more than thirty calendar days after receipt of the notice. Upon failure of the party to cure or remedy the breach or default within the time period provided in this section or within such additional period as the department may allow for good cause, subject to section 510, the department may exercise such rights as it may have at law or as set forth in the homestead general lease or other instrument. SEC. 510. **RIGHT OF HOLDER OF SECURITY INTEREST.** Whenever any notice of breach or default is given to any party under section 509, or under the terms of any homestead general lease or other instrument issued under this title, a copy of the notice shall be delivered by the department to all holders of record of any security interest covered

by the homestead general lease or other instrument whose security interest has been duly recorded with the bureau of conveyances. If the department chooses to forfeit the privilege, interest, or estate created by the homestead general lease or other instrument, each holder, at its option, may cure or remedy the breach or default, if the same can be cured or remedied by the payment of money or, if such is not the case, by performing or pledging in writing to perform all the terms, covenants, restrictions, or conditions of any homestead general lease or other instrument capable of performance by the holder as determined by the department within the time period provided in section 509 or within such additional period as the department may allow for good cause and add the cost thereof to the mortgage debt and the lien of the mortgage. SEC. 511. CANCELLATION OF HOMESTEAD GENERAL LEASE. After giving notice of breach or default as provided in section 509, and subject to the rights of each holder of record having a security interest as provided in section 510, the department may terminate the homestead general lease or tenancy and take possession of the leased land together with all improvements placed thereon, without demand or previous entry and without legal process, and shall retain all rent paid in advance as damages for the breach or default. SEC. 512. RESTRICTIONS ON TRANSFERS; APPRAISALS; WAIVER WHEN. (a) The following restrictions shall apply to any transfers, assignments of lease, or agreements of sale: (!)For a period of ten years after the date of the original lease, the department shall be given the first option to purchase the unit, property, or lease at a price which shall not exceed the sum of: (A) The original cost to the homestead general lessee; (B) The cost of any improvements added by the homestead general lessee; and (C) Simple interest on the homestead general lessee's equity in the property at the rate of seven per cent a year. The department may purchase the unit, property, or lease either outright, free and clear of all liens and encumbrances, or by transfer subject to an existing mortgage. If by outright purchase, the department shall insure that all existing mortgages, liens, and encumbrances are satisfactorily paid by the homestead general lessee. In any purchase by transfer subject to an existing mortgage, the department shall agree to assume and to pay the balance on any general lessee to obtain funds for the purchase of the unit, property, or lease and any other mortgages which were created with the approval and consent of the department. In such cases, the amount to be paid to the homestead general lessee by the department shall be the difference between the above-mentioned price and the principal balance of all mortgages outstanding and assumed at the time of transfer of title to the department.(1) After the end of the tenth year from the date of the original homestead general lease, the department shall have the first option to purchase the improvements on the lot at a price not to exceed the appraised value of the improvements.(2) For a transfer, assignment of lease, or agreement of sale involving a commercial farm, in addition to purchasing the improvements, the department may also purchase the mature crops and tree crops. The purchase price shall not exceed the value of the mature crops and the residual value of the tree crops, and shall be established by appraisal, whether or not the transfer, assignment of lease or agreement of sale occurs during the ten-year restriction period. (3) In a transfer, assignment of lease, or agreement of sale occurring during the ten-year restriction period, the department's purchase price of the improvements shall be the lesser of the price calculated in paragraph (1) and the value appraised in paragraph (2). (4)In a transfer, assignment of lease, or agreement of sale, the department's payment to the homestead general lessee shall be the difference of the amount calculated in paragraph (1) or appraised in paragraphs (2) and (3), as the case may be, and any indebtedness to the department. (5) Notwithstanding any other law to the contrary, if upon transfer, assignment of lease, or agreement of sale, the department determines that the cost to remedy, renovate, or to restore the premises to a safe and reasonably comfortable condition is unwarranted due to the age, condition, or the estimated remaining economic life of the improvements, the department shall assign no value to the improvements. The homestead general lessee or legal representative may be authorized by the department to dispose of improvements under terms and conditions prescribed by the department.(b) For the purposes of this section, the appraisal of improvements or crops to be purchased by the department shall be performed by either of the following methods: (1) By one appraiser mutually agreeable to both the department and the homestead general lessee and the cost of the appraisal shall be borne equally; or (2)By not more than three disinterested appraisers of which the first shall be contracted for by the department; provided that should the homestead general lessee fail to agree upon the values, the homestead general lessee may appoint the homestead general lessee's own appraiser. If the appraisal values are different and a settlement between the department and homestead general lessee is not possible, a third appraisal shall be performed by a disinterested appraiser appointed by the department's appraiser and the homestead general lessee's appraiser; provided that the third appraiser shall act as an arbitrator and determine the final value which shall be between the values of the first and second appraisals. The department shall pay for its own appraiser, the homestead general lessee or legal representative shall pay for the homestead general lessee's own appraiser, and the cost of the third

appraiser shall be borne equally. (c)The restrictions in subsection (a) may be waived by the department if the homestead general lessee wishes to transfer title to the homestead general lease by devise or through the laws of descent. SEC. 513. APPROVAL BY DEPARTMENT REQUIRED. Any subdivision of land covered by a homestead general lease and any purchase or sale of improvements erected or installed on lots covered by a homestead general lease shall be subject to the approval of the department. SEC. 514. RECEIPTS FROM HOMESTEAD GENERAL LEASING AND OTHER SOURCES. All receipts from homestead general leasing, from fees and charges, from the sale of improvements authorized by this title, rental of units, and any appropriation made for homestead general leasing purposes shall be deposited into the Hawaiian home receipts fund and shall be available for purposes authorized by this title. SEC. 515 ADMINISTRATION. The department shall adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to carry out the purposes of this title. SEC. 516. REPEAL DATE. This title is repealed five years after consent to this Act by the United States or December 31, 1995, whichever shall first occur {Act 75, 1986, Haw. Sess. Laws}

⁴⁰⁷ Hawaiian Organic Act, Pub. L. No. 83-412, 68 Stat. 259 (1954).