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SCHHA is the largest and most representative policy voice on issues impacting tribal trust lands as defined under the Hawaiian Homes Commission Act of 1920 (HHCA). Founded in 1987, SCHHA serves the interests of nearly 10,000 allottees and 29,000 on the waitlist. SCHHA is registered as a homestead beneficiary association under 43 CFR Part 48.6 with the U.S. Department of Interior.

SCHHA HBA Consultation Period Open

The Sovereign Council of Hawaiian Homestead Associations (SCHHA) is opening a Consultation Period Starting on **June 3, 2025** and Closing on **September 15, 2025** to receive and compile the views of HBAs, HHCA Beneficiaries and others on an action with import to the HHCA.

Topic: The SCHHA Consultation topic for this notice, is **Act 80**, a State of Hawaii Amendment to the HHCA, signed by Governor Ige in 2017 proposes to change the successorship blood quantum in the HHCA from **one quarter** or more to **one thirty-second** or more. Act 80 does NOT change the lease qualification blood quantum of half or more to receive a homestead lot award, only the successorship and heirship eligibility.

Opens: June 3, 2025.

Closes: September 15, 2025.

How to Submit: SCHHA Consultations are Hosted to compile the experience, insights and perspectives of Homestead Beneficiary Association (HBA) leaders, and others interested in the Consultation topic. SCHHA will accept written testimony and comments until midnight **September 15, 2025** by mail to 3375 Koapaka Street, Suite D-124, Honolulu, HI 96819 OR by email to policy@hawaiianhomesteads.org. To be included in SCHHA compilations, all testimony and/or comments must be submitted in writing. A SCHHA HBA Consultation **Comment Form** is provided for use by testifiers.

Topic Briefings: The SCHHA Consultation protocol is to provide **Initial** and **Additional** Briefings on the Topic of the Consultation to assist HBA Leaders interested in providing written comments with relevant information and dialogue shared during these briefings.

Initial Briefing: ☒ In Person ☐ Virtual

Date: June 3, 2025

Location: Ala Moana Hotel, Waikiki, Oahu, Hawaii – Hibiscus Ball Room

Time: 4:30 pm to 5:30 pm

Add'l Briefings: ☐ In Person ☒ Virtual

Date: **July 22, 2025** and **August 26, 2025**

Location: Click the Link: <https://hawaiianhomesteads-org.zoom.us/j/83031175093>

Time: 6:00 pm to 7:00 pm

Purpose: To document the written views, comments and testimony of HBAs, HHCA Beneficiaries, Native Hawaiians, and the General Public on Act 80, to facilitate a SCHHA submittal to the U.S. Department of Interior (DoI) and State DHHL to advance Act 80.

Since 2015, SCHHA and other HBAs have been champions of Act 80, which was enacted by the Hawaii State Legislature in 2017. This SCHHA HBA Consultation on Act 80 is conducted due to a lack of Consultation initiated by the State DHHL and U.S. Department of Interior (DoI) over the last 8 years since its passage at the Hawaii Legislature. The results of this SCHHA HBA Consultation will be a formal submittal to the SCHHA Council of HBAs, the U.S. Department of Interior (DoI), the State of Hawaii Governor and Department of Hawaiian Home Lands (DHHL) and the State of Hawaii Hawaiian Homes Commission (HHC).

Background:

Act 80 is an amendment to the HHCA enacted by the Hawaii State Legislature in 2017, an amendment requested by HBAs and HHCA Beneficiaries in 2015 to lower the blood quantum of Lessee Successor eligible heirs including children and grandchildren from a quarter blood quantum to one thirty-second upon the death of the Lessee.

The State of Hawaii may amend the HHCA pursuant to the terms of the 1959 Hawaii Admissions Act wherein some amendments will require the Consent of Congress. The DoI adopted federal regulations in 2016 on any amendment by the State of Hawaii to assess if an amendment requires the Consent of Congress with a recommendation by the DoI. Both the State Attorney General and the DoI have determined Act 80 requires the Consent of Congress to be effectuated as an approved HHCA amendment.

43 CFR Part 48 is the federal regulation governing any amendment to the HHCA. Upon enactment of Act 80 by the Hawaii Legislature, the State DHHL submitted a request to the DoI to review and submit Act 80 for Congressional Consent. The submittal included responses to six (6) questions required in federal regulation, however, the State DHHL did so without HBA or HHCA Beneficiary review or consultation.

The DoI then sent eight (8) follow up questions based on the State DHHL responses. In 2022, the State DHHL administration notified DoI it would no longer provide additional responses. In December 2022, the DoI Solicitor notified Congressman Kahele and Case that due to State DHHL non-responsiveness, the DoI preliminary determination was not to recommend Act 80 for Congressional Consent.

In December 2022, within 20 days, SCHHA submitted an extensive letter to the DoI Solicitor, responding to each issue in the preliminary determination, and issued a request to the new Green/Watson State DHHL administration to issue a letter of support to the Biden DoI. A follow up request was made to the Hawaiian Homes Commission in August of 2024. In September 2024, the State DHHL submitted a letter of strong support of Act 80 to the DoI.

Neither the DoI nor the State DHHL have conducted consultation as prescribed in 43 CFR Part **48.15(b)(7)** and 43 CFR Part **48.20(b)** since enactment of Act 80. This SCHHA HBA Consultation provides an opportunity for HBAs and others to engage.

Resource Material: The following materials are included for review on this SCHHA Consultation Topic:

1. Resource Doc A – SCHHA Chronological History of Act 80
2. Resource Doc B - 43 CFR Part 48 Regulations on any Proposed Amendment
3. Resource Doc C – Listing of Two Sets of Questions by DoI to State DHHL
4. Act 80 as enacted in 2017 by the Hawaii Legislature

Act 80 – A Timeline of Missteps by State and Federal Agencies

Act 80 Reduces Successorship Blood Quantum from 1/4 to 1/32, providing generational asset stability while protecting the rights of tens of thousands on the waitlist that are 1/2 or more Blood Quantum. HHCA Beneficiaries, State Legislature, State Executive Branch showed Support via Act 80 enactment. Biden DoI officials showed opposition to Act 80. Must ascertain new Trump DoI position.

- 2012/2014** SCHHA Leads 2-Year Consultation Statewide on Successor Blood Quantum with Homestead Associations and HHCA Beneficiaries. Consensus Achieved – Begin Socializing with State of Hawaii Legislators and State DHHL, initiating Draft Legislation introduced in 2015/2016.
- 2017** Act 80 Introduced again, to State of Hawaii Legislature, with numerous hearings and vetting. **Enacted.** State of Hawaii Attorney General Issues Opinion that Act 80 Requires Congressional Consent, as per the 1959 Hawaii Admissions Act. Forwards to U.S. DoI for Review and Action (which requires DoI to review and issue its comments to Congressional Committees of Jurisdiction).
- 2018** **DoI Requests responses to 6 Questions to complete its review to send to Congress.** DHHL responds without consultation with HBAs. Based on State DHHL responses, DoI sends 8 additional questions.
- 2021** Congressmen Kahele and Case Attempt to Work with Biden DoI to Move a positive DOI Determination Without Success. They Then Attempt to Move Congressional Consent without DOI. SCHHA/HBAs Organize Supportive Testimony, meet with Congressional Subcommittee Chair, main Committee Chair Supports – **But Will Not Move for a Vote without a DOI Determination, and DoI is Still Waiting for State DHHL to provide the data.**
- 02/2022** **State DHHL Notifies DOI it does not intend to provide any further information to DoI on Act 80.**
- 12/2022** **Biden DoI Sends Preliminary Assessment Not Supportive of Act 80 to Congressman Kahele and Case. DoI cites in its assessment, State DHHL failure to provide information requested since 2018.**
- 12/2022** **SCHHA Coalition of HBAs Send Biden DoI Response Addressing each point.**
- 12/2022** Kahele Introduces a Stand-Alone Bill, Not Consistent with Act 80. **Bill Dies. He Leaves Office.**
- 01/2023** SCHHA Requests Letter of Support of Act 80 by **Governor Green** to Biden DoI.
- 04/2023** SCHHA Requests Letter of Support of Act 80 by **DHHL Director Watson** to Biden DoI.
- 07/2023** SCHHA Meets with Biden White House Officials with State Senator Ron Kouchi to request help to Bring DoI to the Table to Remove data requests that State DHHL cannot seem to provide.
- 01/2024** SCHHA Conducts Preliminary Consultation on Act 80 at January HBA convening, unanimous support. **State DHHL provides SCHHA with the actual questions posed by the DoI in 2018, along with the State DHHL Responses – Clearly, responses could have been more strategic with HBA inclusion in responses.**
- 08/2024** SCHHA attends **in-person roundtable with White House AAPI**, raises Act 80 requesting Biden administration to reduce data requirements on State DHHL and send Act 80 forward to Congress. On August 14, SCHHA travels to DC to share background data.
- 08/2024** SCHHA testifies at **Hawaiian Homes Commission**, gives summary of Act 80, requests State DHHL along with all Commissioners, again requests letter of Support to DoI. **Gov Green DHHL issues a letter 9/24.**
- 11/2024** Federal elections determine a new Republican administration, Senate and House.
- 06/2025** SCHHA Opens Act 80 Consultation at 2025 SCHHA Conference with Closing Date of 09/15/25

Act 80 has languished at the hands of both State and Federal agencies. The process is clear in 43CFR Part 48. Enact amendment at State, DoI Reviews, Consult with Beneficiaries, Send Act 80 to Congress. The State DHHL fails to provide DoI requested data, both State DHHL and DoI fail to consult, Act 80 sits. Act 80 continues to be a top policy priority of the SCHHA, with formal Consultation announced, and a strategy session to determine pathways available at the federal level.

SCHHA HBA Consultation
Resource Document B

43 CFR Part 48 Regulations on Amending the HHCA

48.10 – DoI Secretary Role

- (a) the Secretary must review proposed amendments to the HHCA by the State of Hawaii to determine whether the proposed amendment requires approval of Congress.
- (b) the Secretary will notify the Chairman and Congress of this determination, and if approval is required, submit to Congress the documents required by 43 CFR Part 48.35(b).

48.15 – Chairman (DHHL) Requirements

- (a) No later than 120 days after SoH approves a proposed HHCA amendment, State DHHL must submit to the DoI a clear and complete:
 - 1. Copy of Amendment
 - 2. Description of Nature of Change Proposed
 - 3. Opinion by State AG explaining whether proposed amendment requires approval of Congress
- (b) State DHHL must also submit the following
 - 1. Description of the proposed amendment including how the proposed amendment advances the interests of HHCA Beneficiaries
 - 2. All testimony and correspondence from the DHHL, HHC, HBAs and HHCA Beneficiaries providing views on the proposed amendment
 - 3. An analysis of the law and policy of the proposed amendment by DHHL and the HHC
 - 4. Documentation of the dates and number of hearings held on the measure, and a copy of all testimony provided or submitted at each hearing
 - 5. Copies of all committee reports and other legislative history, including prior versions of the proposed amendment
 - 6. Final vote totals by the HHC and Legislature on the proposed amendment
 - 7. Summaries of all Consultations conducted with HHCA Beneficiaries regarding proposed amendment
 - 8. Other additional information that SoH believes may assist in DoI review of the proposed amendment

48.20 – How Does DoI Secretary Determines if SoH is Seeking to Amend Federal Law

- (a) DoI will determine that Congressional approval is required if the proposed amendment or any other legislative action that directly or indirectly has the effect of:
 - 1. Decreasing the benefits to the beneficiaries of the trust
 - 2. Reducing or impairing the HHL trust funds
 - 3. Allowing for additional encumbrances to be placed on HHL by officers other than those charged with HHCA administration
 - 4. Changing the qualification of who may be a lessee
 - 5. Allowing the use of proceeds and income from the HHL for purposes other than carrying out the provisions of the HHCA
 - 6. Amending a section other than sections 202, 213, 219, 220, 222, 224, 225 or other provisions relating to administration or paragraph (2) of section 204, section 206, 212 or other provisions relating to the powers and duties of officers other than those charged with HHCA administration.

- (b) DoI may consult with the Beneficiaries when making this determination

48.25 – How does DoI Secretary Determine if SoH Amendment Decreases Benefits to Beneficiaries of HHCA

(a) In determining benefits to HHCA Beneficiaries, DoI will consider the goals and purposes of the trust, including, but not limited to the following:

1. The provision of Homesteads to Beneficiaries
2. The rehabilitation of Beneficiaries and their families and homestead communities
3. The educational, economic, political, social and cultural processes by which the general welfare and conditions of beneficiaries are improved and perpetuated
4. The construction of replacement homes, repairs or additions
5. The development of farm, ranch or aquaculture, including soil and water conservation
6. The enhanced construction reconstruction, operation and maintenance of revenue-producing improvements intended to benefit occupants of HHL
7. The making of investments in water and other utilities, supplies, equipment and goods as well as professional services needed to plan, implement, develop or operate such projects that will improve the value of HHL for their current and future occupants.
8. The establishment and maintenance of an account to serve as a reserve for loans issued or backed by the Federal Govt.

(b) DoI will determine if the proposed amendment or any other legislative action decreases the above described or similar benefits to the beneficiaries, now or in the future by weighing the answers to the following questions:

1. How would the amendment impact the benefits to current lessees of HHL?
2. How would the amendment impact the benefits to beneficiaries currently on a waiting list for a HHL lease?
3. How would amendment impact the benefits to beneficiaries who have not yet applied for a HHL lease?
4. If the interests of the beneficiaries who have not been awarded a HHL lease and the lessees differ, how does the amendment weigh the interests of beneficiaries who have not been awarded a HHL lease with the interests of HHL lessees?
5. If the interests of the beneficiaries who have not been awarded a HHL lease and the lessees differ, do the benefits to the lessees outweigh any detriment to the beneficiaries who have not been awarded an HHL lease?
6. If the interests of the beneficiaries differ from the interests of the lessees, do the benefits to the beneficiaries outweigh any detriment to the lessees?

48.30 – How Does DoI Secretary Determine if Congressional Approval is Unnecessary

DoI will determine that Congressional approval is Unnecessary if the proposed amendment meets none of the criteria in 48.20

48.35 – When must DoI Secretary Determine if Congressional Approval is Required

DoI will review the documents submitted by DHHL and if they meet the requirements of section 48.15, DoI will determine within 60 days after receiving them if the proposed amendments require Congressional approval.

48.40 – What Notifications will DoI Secretary Provide

(a) If DoI determines that Congressional approval of the amendment is unnecessary, DoI will:

1. Notify Chair of Senate Committee on Energy/Natural Resources and of the House Committee on Natural Resources, the Governor, the Speaker of the House, the President of the Senate of the State of Hawaii and the Chair of HHC and

2. Include if appropriate, an opinion on whether the amendment advances the interests of the Beneficiaries.

(b) If DoI determines that Congressional approval of the amendment is required, the DoI will notify the Chair of Senate Committee on Energy/Natural Resources and of the House Committee on Natural Resources, the Governor, the Speaker of the House, the President of the Senate of the State of Hawaii and the Chair of HHC.

DoI will also submit to the Committees the following:

1. Draft Joint resolution approving the proposed amendment
2. Description of the change made by the amendment and an explanation of how the amendment advances the interests of beneficiaries
3. A comparison of the existing law with the amendment
4. A recommendation on the advisability of approving the amendment
5. All documentation concerning the amendment received from DHHL
6. All documentation concerning the amendment received by the beneficiaries

(c) DoI will post notice of the determination on the DoI website

48.45 – When is Proposed Amendment Deemed Effective

(a) If DoI determines an amendment meets none of the criteria in 48.20, the effective date of the amendment is the date of the notification letter to the Congressional Committee Chairs

(b) If the DoI determines that the proposed amendment requires congressional approval, then the effective date of the proposed amendment is the date that Congress's approval becomes law.

48.50 – Can SoH Amend the HHCA without DoI Secretary Review

The DoI must review all proposed amendments to the HHCA. Any proposed amendments to any terms or provisions of the HHCA by the SoH must also specifically state that the proposed amendment proposes to amend the HHCA. Any state enactment that impacts any of the criteria in Section 48.20 shall have no effect on the provisions of the HHCA or administration of the trust, except pursuant to this part.

Consultation Resource Document on Act 80
2018 DoI Questions to State DHHL to Decide Whether to Forward Act 80 to Congress

Once Act 80 was enacted by the Hawaii Legislature in 2017, the last administration of the State DHHL was required to provide specific information as per 43 CFR Part 48. Between 2018 – 2022, DoI requested additional information from the State DHHL. At no time, during this period, did the State DHHL nor the DoI ever share the DoI questions, nor the State DHHL responses with HBAs that are federally defined in federal code.

Act 80 remains a top policy advocacy priority of the SCHHA and HBAs. SCHHA will conduct SCHHA HBA Consultation Sessions in 2025 and encourages the current State DHHL administration to work directly with HBAs in a coordinated fashion, to advance the final steps to implement Act 80 through Congressional Consent.

Following are the DoI explanation and list of 6 questions it provided State DHHL in 2018:

The purpose of these questions is to clarify and quantify the challenge(s) that the proposed amendment intends to address. This information is important in determining the effects the proposed amendment may have on beneficiaries (as defined by section 202(1) of the Hawaiian Home Lands Recovery Act (HHLRA)) as well as the health of the Trust. The information would likely be helpful to include with the information that the Department needs to provide to the congressional committees pursuant to 43 CFR part 48.40(b).

1. **DoI Question: Challenges Fixed.** What are the challenges or issues that Act 80 addresses for native Hawaiian Beneficiary Lessees or on the Waitlist? (can challenges identified be quantified?)
2. **DoI Question: Qualification.** Does Act 80 change the Qualification of Lessees?
3. **DoI Question: Benefits.** Does Act 80 increase benefits to Lessees of Hawaiian Home Lands?
4. **DoI Question: Impact to Lessees.** How does Act 80 advance or otherwise impact current native Hawaiian Lessees and Native Hawaiian successor lessees?
5. **DoI Question: Impact to Waitlist.** How does Act 80 advance or otherwise impact current native Hawaiians on the Waitlist?
6. **DoI Question: Other Alternatives.** Alternatives considered and reasons rejected.

Note to HBAs: These questions follow closely to information required under 43 CFR Part 48



Consultation Resource Document on Act 80

Follow On DoI Data Set Request sent to State DHHL to Decide Whether to Forward Act 80 to Congress

DoI requested additional questions and follow on Data Sets in response to the State DHHL responses to the initial 2018 questions (responded to, without engagement with HBAs):

- 1. DoI Data Request: # of Leases.** What is the total number of active homestead leases?
- 2. DoI Data Request: # of Leases by nH.** How many homestead leases are held by beneficiaries? Please provide a breakdown of how many are original awardees/lessees, native Hawaiian successors, and native Hawaiian transferees.
- 3. DoI Data Request: # of Leases by NH.** How many homestead leases are held by non-beneficiary lessees? Please provide a breakdown of how many received their leases through transfer and succession, respectively.
- 4. DoI Data Request: # of Leases by NH with # of Generations.** How many homestead leases held by non-beneficiary successor-lessees have been within the family for at least three generations? Of this number, how many have not designated, or are unable to designate, an eligible successor because their descendants lack the required blood quantum?
- 5. DoI Data Request: # of nH Unable to Designate.** How many beneficiary lessees have not designated, or are unable to designate, an eligible successor because their descendants lack the required blood quantum?
- 6. DoI Data Request: Explanation of DHHL Response on Cash Out.** What data does DHHL have to support its assertion that the sense of identity and strength of family bonds associated with a homestead lease are more meaningful “than the cash payout they would receive for the improvements” in the event there is not an eligible successor?
- 7. DoI Data Request: Fee Simple Data on nH.** Does DHHL have data on how many former and current Hawaiian homestead lessees own fee simple property which may be possible due to the referenced cash payouts above or savings from not needing to pay for the fee title to homestead lots?
- 8. DoI Data Request: # of nH Lessee to nH Waitlist Transfers.** How many homestead leases have been transferred or sold to beneficiaries (on the waiting list, previously awarded, or who have never applied) or returned to DHHL because of the lack of a qualified successor? Data from 2008 to the present is sufficient.

Note to HBAs: These additional data set requests may or may not be relevant or appropriate to meet the requirements of 43 CFR Part 48.





EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 5, 2017 **GOV. MSG. NO. 1181**

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2017, the following bill was signed into law:

HB451 HD1 SD2 CD1

RELATING TO THE HAWAIIAN HOMES
COMMISSION ACT
ACT 080 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor
on JUL 5 2017
HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

ORIGINAL

ACT 080
H.B. NO. 451
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature recognizes that the State has a
2 fiduciary duty to support the rehabilitation of the Hawaiian
3 people, in part by ensuring long-term tenancies to beneficiaries
4 and successors of beneficiaries of the Hawaiian Homes Commission
5 Act, 1920, as amended.

6 The legislature emphasizes that many descendants of lessees
7 of Hawaiian home lands do not qualify as successors because
8 interracial marriages and blended families produce descendants
9 who are less than twenty-five per cent Hawaiian. These
10 disruptions create undue hardships of displacement and interfere
11 with families' abilities to maintain the equity of their homes
12 and businesses.

13 The legislature further finds that a reduction in blood
14 quantum requirements for certain successors will lead to a
15 reduction in the trend of "highest bid" and "leapfrog" homestead
16 lease sales. Further, this reform will encourage current
17 lessees to maintain and invest in their residences, as the



1 lessees anticipate that their descendants will be able to make
2 use of the properties for many generations to come.

3 The purpose of this Act is to reduce the minimum Hawaiian
4 blood quantum requirement of certain successors to lessees of
5 Hawaiian home lands from one quarter to one thirty-second.

6 SECTION 2. Section 209 of the Hawaiian Homes Commission
7 Act, 1920, as amended, is amended by amending subsection (a) to
8 read as follows:

9 "(a) Upon the death of the lessee, the lessee's interest
10 in the tract or tracts and the improvements thereon, including
11 growing crops and aquacultural stock (either on the tract or in
12 any collective contract or program to which the lessee is a
13 party by virtue of the lessee's interest in the tract or
14 tracts), shall vest in the relatives of the decedent as provided
15 in this paragraph. From the following relatives of the lessee
16 who are (1) at least ~~[one-quarter]~~ one thirty-second Hawaiian,
17 ~~[husband, wife,]~~ spouse, children, grandchildren, brothers, or
18 sisters, or (2) native Hawaiian, father and mother, widows or
19 widowers of the children, widows or widowers of the brothers and
20 sisters, or nieces and nephews,—the lessee shall designate the
21 person or persons to whom the lessee directs the lessee's



1 interest in the tract or tracts to vest upon the lessee's death.
2 The Hawaiian blood requirements shall not apply to the
3 descendants of those who are not native Hawaiians but who were
4 entitled to the leased lands under section 3 of the Act of
5 May 16, 1934 (48 Stat. 777, 779), as amended, or under section 3
6 of the Act of July 9, 1952 (66 Stat. 511, 513). In all cases
7 that person or persons need not be eighteen years of age. The
8 designation shall be in writing, may be specified at the time of
9 execution of the lease with a right in the lessee in similar
10 manner to change the beneficiary at any time and shall be filed
11 with the department and approved by the department in order to
12 be effective to vest the interests in the successor or
13 successors so named.

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

- 18 (1) [~~Husband or wife,~~] Spouse; or
19 (2) If there is no [~~husband or wife,~~] spouse, then the
20 children; or



1 (3) If there is no [~~husband, wife,~~] spouse or child, then
2 the grandchildren; or

3 (4) If there is no [~~husband, wife,~~] spouse, child, or
4 grandchild, then brothers or sisters; or

5 (5) If there is no [~~husband, wife,~~] spouse, child,
6 grandchild, brother, or sister, then from the
7 following relatives of the lessee who are native
8 Hawaiian: father and mother, widows or widowers of
9 the children, widows or widowers of the brothers and
10 sisters, or nieces and nephews.

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

13 In the case of the death of a lessee leaving no designated
14 successor or successors, [~~husband, wife,~~] spouse, children,
15 grandchildren, or relative qualified to be a lessee of Hawaiian
16 home lands, the land subject to the lease shall resume its
17 status as unleased Hawaiian home lands and the department is
18 authorized to lease the land to a native Hawaiian as provided in
19 this Act.

20 Upon the death of a lessee who has not designated a
21 successor and who leaves a spouse not qualified to succeed to



1 the lease or children not qualified to succeed to the lease, or
2 upon the death of a lessee leaving no relative qualified to be a
3 lessee of Hawaiian home lands, or the cancellation of a lease by
4 the department, or the surrender of a lease by the lessee, the
5 department shall appraise the value of all the improvements and
6 growing crops or improvements and aquacultural stock, as the
7 case may be, and shall pay to the nonqualified spouse or the
8 nonqualified children as the lessee shall have designated prior
9 to the lessee's death, or to the legal representative of the
10 deceased lessee, or to the previous lessee, as the case may be,
11 the value thereof, less any indebtedness to the department, or
12 for taxes, or for any other indebtedness the payment of which
13 has been assured by the department, owed by the deceased lessee
14 or the previous lessee. These payments shall be made out of the
15 Hawaiian home loan fund and shall be considered an advance
16 therefrom and shall be repaid by the successor or successors to
17 the tract involved. If available cash in the Hawaiian home loan
18 fund is insufficient to make these payments, payments may be
19 advanced from the Hawaiian home general loan fund and shall be
20 repaid by the successor or successors to the tract involved;
21 provided that any repayment for advances made from the Hawaiian



1 home general loan fund shall be at the interest rate established
2 by the department for loans made from the Hawaiian home general
3 loan fund. The successor or successors may be required by the
4 commission to obtain private financing in accordance with
5 section 208(6) to pay off the amount advanced from the Hawaiian
6 home loan fund or Hawaiian home general loan fund."

7 SECTION 3. The provisions of the amendments made by this
8 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
9 declared to be severable, and if any section, sentence, clause,
10 or phrase, or the application thereof to any person or
11 circumstances is held ineffective because there is a requirement
12 of having the consent of the United States to take effect, then
13 that portion only shall take effect upon the granting of consent
14 by the United States and effectiveness of the remainder of these
15 amendments or the application thereof shall not be affected.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval by
19 the governor of the State of Hawaii with the consent of the
20 United States Congress.



H.B. NO. 451
H.D. 1
S.D. 2
C.D. 1

APPROVED this 5 day of JUL , 2017

David Y. Ige

GOVERNOR OF THE STATE OF HAWAII
