
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§171-5 Meetings, regular, special; quorum[-]; disposition
4 of public lands. (a) Regular meetings of the board [~~of land~~
5 ~~and natural resources~~] shall be held not less than once a month
6 and the board shall provide in its rules [~~and regulations~~] the
7 number and dates for the regular meetings. Special meetings may
8 be called by the chairperson at any time by giving notice
9 thereof to each member present in the State at least five days
10 prior to the date of the special meeting; provided that notice
11 shall not be required if all members present in the State agree
12 and sign a written waiver of the notice.

13 However, no final action involving disposition of public
14 lands may be had at [~~such~~] the special meeting.

15 Any action taken by the board shall be by a simple majority
16 of the members of the board; provided that a simple majority of
17 the members present at a meeting and qualified to vote shall be
18 required to allow any decision pursuant to section 183C-6(b).



1 Four members of the board shall constitute a quorum to do
2 business. The board shall keep accurate records and minutes of
3 all meetings, special and regular, and they shall be public
4 records. Copies of portions of the agenda relating to
5 dispositions of land shall be made available to the public in
6 the land office of each district at least three days before the
7 meeting at which the matter will be discussed or voted upon.

8 (b) Whenever a board meeting is held to consider the
9 disposition of public lands to any department or agency of the
10 State, county, any other political subdivision of the State, or
11 any other person, public notice shall be made not less than
12 fourteen days before the date of the board meeting. Notice
13 shall be made statewide and in the county where the public land
14 is situated pursuant to section 1-28.5 and be published at least
15 once in each of two successive weeks. The notice shall include:

- 16 (1) A general description of the public land, including
17 the address and tax map key;
18 (2) A statement describing the specific use and purpose
19 for which the disposition is intended;
20 (3) The consideration to be charged, if any; and



1 (4) The date, time, and place of the board meeting to be
 2 held in the senate district where the public land is
 3 situated.

4 The board shall afford all interested persons the opportunity to
 5 submit data, views, or arguments, orally or in writing. The
 6 board shall fully consider all oral and written submissions
 7 respecting the disposition of the public land. The board shall
 8 take action at the meeting or announce the date it intends to
 9 take action.

10 (c) Subsection (b) shall not apply to minor dispositions,
 11 including but not limited to permits, licenses, rights of entry,
 12 public utility easements, or grants to any state or county
 13 department or agency for roadway or infrastructure
 14 improvements."

15 SECTION 2. Section 171-11, Hawaii Revised Statutes, is
 16 amended to read as follows:

17 "**§171-11 Public purposes, lands set aside by the governor;**
 18 **management.** (a) [The] Subsequent to public notice and a public
 19 hearing in the senate district in which the public land is
 20 situated, the governor [may], with the prior approval of the
 21 board [~~of land and natural resources~~], may set aside public
 22 lands to any department or agency of the State, [~~the city and~~



1 ~~county,~~] county, or other political [~~subdivisions~~] subdivision
2 of the State for public use or purpose. All withdrawals of the
3 lands or portions thereof so set aside shall be made by the
4 governor.

5 Any public lands set aside by the governor prior to the
6 enactment of this chapter, or any public lands set aside by the
7 governor of the Territory of Hawaii, shall be subject to the
8 provisions of this section.

9 Lands while so set aside for [~~such~~] public use or purpose
10 or when acquired for roads and streets shall be managed by the
11 department, agency, [~~city and county,~~] county, or other
12 political [~~subdivisions~~] subdivision of the State having
13 jurisdiction thereof, unless otherwise provided by law. [~~Such~~]
14 The department, agency [~~of the State~~], [~~the city and county,~~]
15 county, or other political [~~subdivisions~~] subdivision of the
16 State in managing [~~such~~] the lands shall be authorized to
17 exercise all of the powers vested in the board in regard to the
18 issuance of leases, easements, licenses, revocable permits,
19 concessions, or rights of entry covering [~~such~~] the lands for
20 [~~such~~] public use as may be consistent with the purposes for
21 which the lands were set aside on the same terms, conditions,
22 and restrictions applicable to the disposition of public lands,



1 as provided by this chapter all [~~such~~] these dispositions being
2 subject to the prior approval of the board; provided that any
3 nonrenewable dispositions granting rights for a period not in
4 excess of fourteen days shall not require:

5 (1) [~~the~~] The approval of the board; or

6 (2) [~~public~~] Public auction or public advertisement for
7 sealed tenders; and

8 provided further that disposition of lands set aside for use as
9 agricultural parks pursuant to chapter 166 shall not be subject
10 to the prior approval of the board. If at the time of the
11 disposition of any [~~such~~] leases the board shall have approved
12 the same, any order withdrawing or setting aside any or all of
13 [~~such~~] these lands for any other public purpose shall be made
14 subject to [~~such~~] the leases. Subject to section 5(f) of the
15 Act of March 18, 1959 (73 Stat. 6), all proceeds from [~~such~~]
16 these lands shall be deposited into the appropriate funds
17 provided by law.

18 (b) This section shall also apply where the purposes are
19 the uses and purposes of the United States; provided that all
20 revenues derived from the lands and improvements thereon shall
21 be paid to the department of land and natural resources by the
22 United States.



1 (c) Whenever lands set aside for a public purpose to the
2 various departments and agencies of the State, or to any [~~city~~
3 ~~and county,~~] county, or other political [~~subdivisions~~]
4 subdivision of the State, or to the United States, are not being
5 [~~utilized~~] used or required for the public purpose stated, the
6 order setting aside the lands shall be withdrawn and the lands
7 shall be returned to the department. The governor may withdraw
8 public lands and, with the prior approval of the board [~~of land~~
9 ~~and natural resources~~], set aside the withdrawn lands to another
10 department or agency of the State, [~~the city and county,~~]
11 county, or other political subdivision of the State, or to the
12 United States for public use or purpose[~~]~~; provided that no
13 structure on [~~such~~] the lands shall be built, demolished, or
14 altered until after the legislative action or inaction as
15 hereinbelow provided.

16 (d) The power granted to the governor in this section to
17 set aside or withdraw or withdraw and set aside public lands
18 shall be exercised subject to disapproval by the legislature by
19 two-thirds vote of either the senate or the house of
20 representatives or by the majority vote of both, in any regular
21 or special session next following the date of the setting aside
22 or withdrawal, or withdrawal and setting aside.

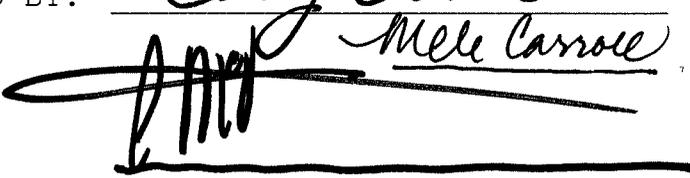


1 (e) Whenever portions of lands set aside for a public
2 purpose to the various departments and agencies of the State, or
3 to any [~~city and county,~~] county, or other political subdivision
4 of the State are not presently [~~utilized~~] used or required for
5 the public purpose stated, the board shall have the power,
6 without withdrawing the order setting aside the lands, to
7 dispose of any and all real property interest less than the fee
8 in the portions of [~~such~~] the lands where the disposition is for
9 a use [~~which~~] that is consistent or inconsistent with the
10 purpose for which the land was set aside. All funds derived
11 from disposition by the board shall be deposited in the general
12 fund of the State or [~~be~~] paid to the appropriate account;
13 provided that all [~~such~~] the dispositions shall be with the
14 prior written approval of the department, agency, [~~city and~~
15 ~~county,~~] county, or other political [~~subdivisions~~] subdivision
16 of the State and the governor, and shall be undertaken in
17 compliance with all other applicable sections of this chapter."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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

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H.B. NO. 612

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Report Title:

Public Lands; Disposition; Public Meetings

Description:

Requires the board of land and natural resources with respect to the disposition of public lands to any department or agency of the State, county, other political subdivision of the State, or any person to give public notice and hold public hearings in the senate district where the public land is situated. Does not include minor dispositions, including permits, licenses, rights of entry, public utility easements, or grants to any state or county department or agency for roadway or infrastructure improvements.

