### HOUSE OF REPRESENTATIVES TWENTY-SEVENTH LEGISLATURE, 2014 STATE OF HAWAII

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

2288

# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1 SECTION 1. Section 204, Hawaiian Homes Commission Act, 2 1920, as amended, is amended by amending subsection (a) to read 3 as follows:

4 Upon the passage of this Act, all available lands "(a) 5 shall immediately assume the status of Hawaiian home lands and 6 be under the control of the department to be used and disposed 7 of in accordance with the provisions of this Act, except that: In case any available land is under lease by the 8  $(1^{\circ})$ 9 Territory of Hawaii, by virtue of section 73 of the 10 Hawaiian Organic Act, at the time of the passage of 11 this Act, such land shall not assume the status of 12 Hawaiian home lands until the lease expires or the 13 board of land and natural resources withdraws the 14 lands from the operation of the lease. If the land is 15 covered by a lease containing a withdrawal clause, as 16 provided in section 73(d) of the Hawaiian Organic Act, 17 the board of land and natural resources shall withdraw



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such lands from the operation of the lease whenever
the department gives notice to the board that the
department is of the opinion that the lands are
required by it for the purposes of this Act; and such
withdrawal shall be held to be for a public purpose
within the meaning of that term as used in section
7 73(d) of the Hawaiian Organic Act.

8 (2)Any available land, including lands selected by the 9 department out of a larger area, as provided by this 10 Act, not leased as authorized by section 207(a) of 11 this Act, may be returned to the board of land and 12 natural resources as provided under section 212 of this Act, or may be retained for management by the 13 14 department. Any Hawaiian home lands general lease 15 issued by the department after June 30, 1985, shall 16 contain a withdrawal clause allowing the department to 17 withdraw the land leased at any time during the term 18 of the lease for the purposes of this Act.

In the management of any retained available lands
 not required for leasing under section 207(a), the
 department may dispose of those lands or any



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1	improvements thereon to the public, including native
2	Hawaiians, on the same terms, conditions,
3	restrictions, and uses applicable to the disposition
4	of public lands in chapter 171, Hawaii Revised
5	Statutes; provided that the department may not sell or
6	dispose of such lands in fee simple except as
7	authorized under section 205 of this Act; provided
8	further that the department is expressly authorized to
9	negotiate, prior to negotiations with the general
10	public, the disposition of Hawaiian home lands or any
11	improvements thereon to a native Hawaiian, or
12	organization or association owned or controlled by
13	native Hawaiians, for commercial, industrial, or other
14	business purposes, in accordance with the procedures
15	set forth in chapter 171, Hawaii Revised Statutes[-];
16	provided further that in addition to dispositions made
17	pursuant to chapter 171, Hawaii Revised Statutes, the
18	department may lease by direct negotiation and at fair
19	market rents, and for a term not to exceed five years,
20	any improvements on Hawaiian home lands, or portions



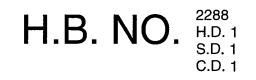
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1		thereof, that are owned or controlled by the
2		department.
3	(3)	The department, with the approval of the Secretary of
4		the Interior, in order to consolidate its holdings or
5		to better effectuate the purposes of this Act, may
6		exchange the title to available lands for land,
7		privately or publicly owned, of an equal value. All
8		lands so acquired by the department shall assume the
9		status of available lands as though the land were
10		originally designated as available lands under section
11		203 of this Act, and all lands so conveyed by the
12		department shall assume the status of the land for
13		which it was exchanged. The limitations imposed by
14		section 73(1) of the Hawaiian Organic Act and the land
15		laws of Hawaii as to the area and value of land that
16		may be conveyed by way of exchange shall not apply to
17		exchanges made pursuant hereto. No such exchange of
18		land publicly owned by the State shall be made without
19		the approval of two-thirds of the members of the board
20		of land and natural resources. For the purposes of



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this paragraph, lands "publicly owned" means land
 owned by a county or the State or the United States."
 SECTION 2. Statutory material to be repealed is bracketed
 and stricken. New statutory material is underscored.
 SECTION 3. This Act shall take effect on July 1, 2014.





Report Title: HHCA; DHHL; Disposition of Improvements

#### Description:

HB2288 CD1 HMS 2014-3328

Amends the Hawaiian Homes Commission Act to permit the Department of Hawaiian Home Lands to dispose of department-owned or department-controlled improvements, or space within an improvement, on Hawaiian home lands through direct negotiations. (HB2288 CD1)

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