

---

## A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-95, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§171-95 Disposition to governments, governmental  
4 agencies, public utilities, and renewable energy producers.** (a)

5 Notwithstanding any limitations to the contrary, the board of  
6 land and natural resources may, without public auction:

7 (1) Sell public lands at such price and on such other  
8 terms and conditions as the board may deem proper to  
9 governments, including the United States, city and  
10 county, counties, other governmental agencies  
11 authorized to hold lands in fee simple and public  
12 utilities;

13 (2) Lease to the governments, agencies, public utilities,  
14 and renewable energy producers public lands for terms  
15 up to, but not in excess of, sixty-five years at such  
16 rental and on such other terms and conditions as the  
17 board may determine;





1                   171-17(b); provided that such sale price or lease  
2                   rental may be on a nominal basis, if the board finds  
3                   that such easement is required in connection with a  
4                   government project;

5                   (2) The board shall provide that in case the land ceases  
6                   to be used at any future time for the use for which  
7                   the disposition was made, the board shall have the  
8                   right to repurchase the land at the original sale  
9                   price or fair market value, whichever is lower, and to  
10                  purchase improvements thereon at the depreciated value  
11                  or fair market value, whichever is lower;

12                  (3) Disposition shall not be made to any public utility if  
13                  the utility has suitable lands of its own;

14                  (4) The disposition to public utilities shall be subject  
15                  to disapproval by the legislature by two-thirds vote  
16                  of either the senate or the house of representatives  
17                  or by majority vote of both, in any regular or special  
18                  session next following the date of the disposition;

19                  and



1 (5) For the purposes of this section, the definition of  
2 "public utility" as defined in section 269-1 is hereby  
3 incorporated herein by reference.

4 (c) Any disposition of more than one thousand acres of  
5 public lands to governments under subsection (a) shall be  
6 subject to approval by a majority vote of both houses of the  
7 legislature in any regular or special session following the date  
8 of the board of land and natural resources' approval of the  
9 disposition. The government party to the disposition shall  
10 submit for introduction to the legislature a resolution for  
11 review of action on any disposition to be consummated by the  
12 board with the following information:



1                   (6) A detailed summary of any development plans for the  
2                   land subject to the disposition; and  
3                   (7) A statement of whether the land is, or is not, land  
4                   that was classed as government or crown lands before  
5                   August 15, 1895, or was acquired by the State in  
6                   exchange for lands before August 15, 1895, and a  
7                   detailed explanation of how the government made the  
8                   determination.

9                   A copy of the draft resolution shall also be submitted to  
10                  the office of Hawaiian affairs at least three months before the  
11                  convening of a regular or special session of the legislature to  
12                  allow the office to determine whether the land was classed as  
13                  government or crown lands before August 15, 1895, or was  
14                  acquired by the State in exchange for government or crown lands  
15                  before August 15, 1895.

16                  [+e+] (d) For the purposes of this section, "renewable  
17                  energy producer" means:

18                  (1) Any producer or developer of renewable energy, as  
19                  defined in section 269-91;  
20                  (2) Any grower or producer of plant or animal materials  
21                  used primarily for the production of biofuels or other



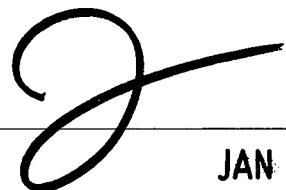
1                   fuels; provided that nothing herein is intended to  
2                   prevent the waste product or byproduct of the plant or  
3                   animal material grown or produced for the production  
4                   of biofuel, biogas, hydrogen, or other fuels from  
5                   being used for other useful purposes; or  
6                   (3) Any producer of renewable energy, as defined in  
7                   section 269-91, that uses the renewable energy to  
8                   provide district heating or cooling services;  
9                   provided that nothing in this definition shall be construed to  
10                  allow wheeling of electricity over electric public utility lines  
11                  or infrastructure that is not otherwise authorized by law or  
12                  rule or order of the public utilities commission."

13                  SECTION 2. This Act does not affect rights and duties that  
14                  matured, penalties that were incurred, and proceedings that were  
15                  begun before its effective date.

16                  SECTION 3. Statutory material to be repealed is bracketed  
17                  and stricken. New statutory material is underscored.

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

19

INTRODUCED BY: 

JAN 27 2026

# H.B. NO. 2406

**Report Title:**

BLNR; OHA; Disposition of Public Lands; Legislative Approval; Requirement

**Description:**

Requires any disposition of more than one thousand acres of public lands to governments by the Board of Land and Natural Resources to be subject to approval by a majority vote of both houses of the Legislature. Requires the government seeking the disposition of the public land to submit for introduction to the Legislature a resolution containing certain information. Requires a copy of the draft resolution to be sent to the Office of Hawaiian Affairs.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

