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# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

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

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

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

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

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



(3) Grant licenses and easements to the governments, agencies, public utilities, and renewable energy producers on such terms and conditions as the board may determine for road, pipeline, utility, communication cable, and other rights-of-way;

(4) Exchange public lands with the governments and agencies;

(5) Execute quitclaim deeds to the governments and agencies, with or without consideration, releasing any claim to the property involved made upon disputed legal or equitable grounds, whenever the board in its discretion deems it beneficial to the State; and

(6) Waive or modify building and other requirements and conditions contained in deeds, patents, sales agreements, or leases held by the governments and agencies whenever such waiver or modification is beneficial to the State.

(b) In any disposition to public utilities under this section:

(1) The sale price or lease rental shall be no less than the value determined in accordance with section



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



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

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

(1) The specific location and size in square feet or in other precise measure of the parcels of land subject to the disposition;

(2) The value of the lands to be subject to the disposition;

(3) The name or names of the appraiser or appraisers;

(4) The date of the appraisal valuation;

(5) The purpose for which the lands are subject to the disposition;



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.*

