

JAN 17 2025

A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. In the interests of quickly effectuating the
2 setting aside of public lands between state departments and
3 agencies and the conservation of government resources, the
4 purpose of this Act is to provide that a survey of the land to
5 be set aside shall not be a condition precedent to the setting
6 aside of public lands to any department or agency of the State.

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

9 "**§171-11 Public purposes, lands set aside by the governor;**
10 **management.** The governor may, with the prior approval of the
11 board of land and natural resources, set aside public lands to
12 any department or agency of the State, the city and county,
13 county, or other political subdivisions of the State for public
14 use or purpose. All withdrawals of the lands or portions
15 thereof so set aside shall be made by the governor.

16 Any public lands set aside by the governor prior to the
17 enactment of this chapter, or any public lands set aside by the



1 governor of the Territory of Hawaii, shall be subject to the
2 provisions of this section.

3 Lands while so set aside for such use or purpose or when
4 acquired for roads and streets shall be managed by the
5 department, agency, city and county, county, or other political
6 subdivisions of the State having jurisdiction thereof, unless
7 otherwise provided by law. Such department, agency of the
8 State, the city and county, county, or other political
9 subdivisions of the State in managing such lands shall be
10 authorized to exercise all of the powers vested in the board in
11 regard to the issuance of leases, easements, licenses, revocable
12 permits, concessions, or rights of entry covering such lands for
13 such use as may be consistent with the purposes for which the
14 lands were set aside on the same terms, conditions, and
15 restrictions applicable to the disposition of public lands, as
16 provided by this chapter all such dispositions being subject to
17 the prior approval of the board; provided that any nonrenewable
18 dispositions granting rights for a period not in excess of
19 fourteen days shall not require (1) the approval of the board or
20 (2) public auction or public advertisement for sealed tenders;
21 and provided further that disposition of lands set aside for use



1 as agricultural parks pursuant to chapter 166 shall not be
2 subject to the prior approval of the board. If at the time of
3 the disposition of any such leases the board shall have approved
4 the same, any order withdrawing or setting aside any or all of
5 such lands for any other public purpose shall be made subject to
6 such leases. Subject to section 5(f) of the Act of March 18,
7 1959 (73 Stat. 6), all proceeds from such lands shall be
8 deposited into the appropriate funds provided by law.

9 A survey of the land to be set aside shall not be a
10 condition precedent to set aside public lands to a department or
11 agency of the State; provided that a subsequent survey of the
12 land set aside shall be binding if ratified by the board of land
13 and natural resources and the governor; provided further that
14 the State, its departments and agencies, and its officials and
15 employees shall be immune from all suits of whatever character,
16 whether sounding in law or in equity, relating to the boundaries
17 of land set aside without a survey.

18 This section shall also apply where the purposes are the
19 uses and purposes of the United States; provided that all
20 revenues derived from the lands and improvements thereon shall



1 be paid to the department of land and natural resources by the
2 United States.

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

17 The power granted to the governor in this section to set
18 aside or withdraw or withdraw and set aside public lands shall
19 be exercised subject to disapproval by the legislature by two-
20 thirds vote of either the senate or the house of representatives
21 or by the majority vote of both, in any regular or special



1 session next following the date of the setting aside or
2 withdrawal, or withdrawal and setting aside.

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

19 SECTION 3. New statutory material is underscored.

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

21



S.B. NO. 766

INTRODUCED BY: Keith M. Recker *WR*



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Report Title:

Public Lands; Lands Set Aside

Description:

Provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State.

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