

A Bill for an Act Relating to Public Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Item (2) of the first paragraph of section 171-19, Hawaii Revised Statutes, is amended to read as follows:

“(2) For the incidental maintenance of public lands, including the repair of improvements thereon, not to exceed \$25,000 in any fiscal year;”

SECTION 2. Section 171-26, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 171-26. Rights-of-way to the sea and game preserves.** Prior to the disposition of any public lands, the board of land and natural resources shall lay out and establish over and across such lands a reasonable number of rights-of-way from established highways to the public beaches, game preserves and public forests and forest reserves in order that the right of the people to utilize the public beach or beaches, public game preserve and public forests and forest reserves shall be protected.

Prior to the leasing of any lands, the board shall determine the feasibility

of hunting on such lands, and if any of them is suitable for hunting or may during the term of the lease become suitable for hunting, the board may reserve such lands as game preserves. Where the board finds that hunting on such lands would not be consistent with the rights of the lessee or for other good cause, the board need not reserve such lands as game preserves.

The cost of such rights-of-way and any fencing which may be required shall be borne by the State, lessee or jointly as the board may deem appropriate prior to the leasing of such lands.”

SECTION 3. The first paragraph of subsection 171-60(a) is amended to read as follows:

“**Sec. 171-60(a). Leasehold projects.** Notwithstanding anything in this chapter to the contrary, the board may, by negotiation and without recourse to public auction, with the prior approval of the governor and authorization of the legislature by concurrent resolution approving a development project, such concurrent resolution to be adopted by each house no earlier than twenty-four hours after printed copies thereof have been made available to the members of that house, (1) lease public lands, including submerged lands to be reclaimed at the developer’s or developers’ expense, to a private developer or developers, or (2) enter into a development agreement with a private developer or developers, for development and subdivision of such public lands as a leasehold project for agricultural, industrial, single-family or multiple-family residential, commercial, business or hotel and resort uses, as provided in this subsection.”

SECTION 4. The first paragraph of subsection 171-60(b) is amended to read as follows:

“(b) **Fee simple residential development.** Notwithstanding anything in this chapter to the contrary, the board may, by negotiation and without recourse to public auction, with the prior approval of the governor and authorization of the legislature by concurrent resolution approving the development project, such concurrent resolution to be adopted by each house no earlier than twenty-four hours after printed copies thereof have been made available to the members of that house, dispose of public lands, including submerged lands to be reclaimed at developer’s or developers’ expense, by sale of the fee, for single-family or multiple-family residential uses, as provided in this subsection.”

SECTION 5. Chapter 171, Hawaii Revised Statutes is amended by adding thereto a new section to be appropriately numbered and to read as follows:

“**Sec. 171- . Lease to eleemosynary organizations.** The board may lease, by direct negotiation and without recourse to public auction, public lands to be used for charitable purposes to an eleemosynary organization which has been certified to be such by the director of taxation.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

* Edited accordingly

ACT 83

SECTION 7. This Act shall take effect upon its approval.
(Approved June 13, 1970.)

* Edited accordingly