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# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~§171-5 Meetings, regular, special; quorum[-]; disposition~~  
4 of public lands. (a) Regular meetings of the board [~~of land~~  
5 ~~and natural resources~~] shall be held not less than once a month  
6 and the board shall provide in its rules and regulations the  
7 number and dates for the regular meetings. Special meetings may  
8 be called by the chairperson at any time by giving notice  
9 thereof to each member present in the State at least five days  
10 prior to the date of the special meeting; provided that notice  
11 shall not be required if all members present in the State agree  
12 and sign a written waiver of the notice.

13 However, no final action involving disposition of public  
14 lands may be had at such special meeting.

15 Any action taken by the board shall be by a simple majority  
16 of the members of the board; provided that a simple majority of  
17 the members present at a meeting and qualified to vote shall be  
18 required to allow any decision pursuant to section 183C-6(b).



1 Four members of the board shall constitute a quorum to do  
2 business. The board shall keep accurate records and minutes of  
3 all meetings, special and regular, and they shall be public  
4 records. Copies of portions of the agenda relating to  
5 dispositions of land shall be made available to the public in  
6 the land office of each district at least three days before the  
7 meeting at which the matter will be discussed or voted upon.

8 (b) Whenever a board meeting is held to consider the  
9 disposition of public lands to any department or agency of the  
10 State, county, any other political subdivision of the State, or  
11 any other person, public notice shall be made not less than  
12 fourteen days before the date of the board meeting. Notice  
13 shall be made statewide and in the county where the public land  
14 is situated pursuant to section 1-28.5 and be published at least  
15 once in each of two successive weeks. The notice shall include:

- 16 (1) A general description of the public land, including  
17 the address and tax map key;  
18 (2) A statement describing the specific use and purpose  
19 for which the disposition is intended;  
20 (3) The consideration to be charged, if any; and



1       (4) The date, time, and place of the board meeting to be  
2             held in the senate district where the public land is  
3             situated.

4 The board shall afford all interested persons the opportunity to  
5 submit data, views, or arguments, orally or in writing. The  
6 board shall fully consider all oral and written submissions  
7 respecting the disposition of the public land. The board shall  
8 take action at the meeting or announce the date it intends to  
9 take action.

10       (c) Subsection (b) shall not apply to minor dispositions,  
11 including but not limited to permits, licenses, rights of  
12 entries, or grants to any state or county department or agency  
13 for roadway or infrastructure improvements."

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

16       "**§171-11 Public purposes, lands set aside by the governor;**  
17 **management.** [The] Subsequent to public notice and a public  
18 hearing in the senate district where the public land is  
19 situated, the governor may, with the prior approval of the board  
20 [of land and natural resources], set aside public lands to any  
21 department or agency of the State, the city and county, county,  
22 or other political subdivisions of the State for public use or

1 purpose. All withdrawals of the lands or portions thereof so  
2 set aside shall be made by the governor.

3 Any public lands set aside by the governor prior to the  
4 enactment of this chapter, or any public lands set aside by the  
5 governor of the Territory of Hawaii, shall be subject to the  
6 provisions of this section.

7 Lands while so set aside for such use or purpose or when  
8 acquired for roads and streets shall be managed by the  
9 department, agency, city and county, county, or other political  
10 subdivisions of the State having jurisdiction thereof, unless  
11 otherwise provided by law. Such department, agency of the  
12 State, the city and county, county, or other political  
13 subdivisions of the State in managing such lands shall be  
14 authorized to exercise all of the powers vested in the board in  
15 regard to the issuance of leases, easements, licenses, revocable  
16 permits, concessions, or rights of entry covering such lands for  
17 such use as may be consistent with the purposes for which the  
18 lands were set aside on the same terms, conditions, and  
19 restrictions applicable to the disposition of public lands, as  
20 provided by this chapter all such dispositions being subject to  
21 the prior approval of the board; provided that any nonrenewable



1 dispositions granting rights for a period not in excess of  
2 fourteen days shall not require:

3 (1) [~~the~~] The approval of the board; or

4 (2) [~~public~~] Public auction or public advertisement for  
5 sealed tenders;

6 and provided further that disposition of lands set aside for use  
7 as agricultural parks pursuant to chapter 166 shall not be  
8 subject to the prior approval of the board. If at the time of  
9 the disposition of any such leases the board shall have approved  
10 the same, any order withdrawing or setting aside any or all of  
11 such lands for any other public purpose shall be made subject to  
12 such leases. Subject to section 5(f) of the Act of March 18,  
13 1959 (73 Stat. 6), all proceeds from such lands shall be  
14 deposited into the appropriate funds provided by law.

15 This section shall also apply where the purposes are the  
16 uses and purposes of the United States; provided that all  
17 revenues derived from the lands and improvements thereon shall  
18 be paid to the department of land and natural resources by the  
19 United States.

20 Whenever lands set aside for a public purpose to the  
21 various departments and agencies of the State, or to any city  
22 and county, county, or other political subdivisions of the



1 State, or to the United States, are not being [~~utilized~~] used or  
2 required for the public purpose stated, the order setting aside  
3 the lands shall be withdrawn and the lands shall be returned to  
4 the department. The governor may withdraw public lands and,  
5 with the prior approval of the board [~~of land and natural~~  
6 ~~resources~~], set aside the withdrawn lands to another department  
7 or agency of the State, the city and county, county, or  
8 political subdivision of the State, or to the United States for  
9 public use or purpose[~~7~~]; provided that no structure on such  
10 lands shall be built, demolished, or altered until after the  
11 legislative action or inaction as hereinbelow provided.

12 The power granted to the governor in this section to set  
13 aside or withdraw or withdraw and set aside public lands shall  
14 be exercised subject to disapproval by the legislature by two-  
15 thirds vote of either the senate or the house of representatives  
16 or by the majority vote of both, in any regular or special  
17 session next following the date of the setting aside or  
18 withdrawal, or withdrawal and setting aside.

19 Whenever portions of lands set aside for a public purpose  
20 to the various departments and agencies of the State, or to any  
21 city and county, county, or other political subdivision of the  
22 State are not presently [~~utilized~~] used or required for the



1 public purpose stated, the board shall have the power, without  
2 withdrawing the order setting aside the lands, to dispose of any  
3 and all real property interest less than the fee in the portions  
4 of such lands where the disposition is for a use [~~which~~] that is  
5 consistent or inconsistent with the purpose for which the land  
6 was set aside. All funds derived from disposition by the board  
7 shall be deposited in the general fund of the State or be paid  
8 to the appropriate account; provided that all such dispositions  
9 shall be with the prior written approval of the department,  
10 agency, city and county, county, or other political subdivisions  
11 of the State and the governor, and shall be undertaken in  
12 compliance with all other applicable sections of this chapter."

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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



HB 1939

HD1

**Report Title:**

Disposition of Public Lands; Public Meetings

**Description:**

Requires the Board of Land and Natural Resources to give notice and hold public hearings with respect to the disposition of public lands to any department or agency of the State, county, other political subdivision of the State, or any person in the Senate District where the public land is situated; does not include minor dispositions, including permits, licenses, rights of entry, or grants to state or county departments or agency for roadway or infrastructure improvements. (HB1939 HD1)

