
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§171-13~~ **Disposition of public lands**~~[-];~~ disapproval by
4 legislature. (a) Except as otherwise provided by law and

5 subject to other provisions of this chapter, the board may:

6 (1) Dispose of public land in fee simple, by lease, lease
7 with option to purchase, license, or permit; and

8 (2) Grant easement by direct negotiation or otherwise for
9 particular purposes in perpetuity on such terms as may
10 be set by the board, subject to reverter to the State
11 upon termination or abandonment of the specific
12 purpose for which it was granted, provided the sale
13 price of such easement shall be determined pursuant to
14 section 171-17(b).

15 (b) No person shall be eligible to purchase or lease
16 public lands, or to be granted a license, permit, or easement
17 covering public lands, who has had during the five years
18 preceding the date of disposition a previous sale, lease,



1 license, permit, or easement covering public lands cancelled for
2 failure to satisfy the terms and conditions thereof.

3 (c) Any disposition of public lands in fee simple, by
4 lease with option to purchase, or grant of easement in
5 perpetuity shall be subject to disapproval by the legislature by
6 two-thirds vote of either the senate or the house of
7 representatives or by majority vote of both in any regular or
8 special session following the date of the board of land and
9 natural resources' approval in principle of the disposition.

10 The department shall submit for introduction to the legislature
11 a resolution for review of action on any disposition in fee
12 simple, by lease with option to purchase, or grant of easement
13 in perpetuity to be consummated by the board wherein deeds,
14 leases, or grants will be executed by the parties together with
15 the following information:

16 (1) The location and area of the parcel of land to be
17 disposed of;

18 (2) The appraised value of the land to be disposed of;

19 (3) The name of the real estate appraiser that appraised
20 the land to be disposed of;

21 (4) The name of the proposed grantee or lessee; and

22 (5) Copies of the dispositive documents."



1 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§206E- Disposition of property, disapproval by
5 legislature. Any disposition of lands by the authority in fee
6 simple, by lease with option to purchase, or grant of easement
7 in perpetuity shall be subject to disapproval by the legislature
8 by two-thirds vote of either the senate or the house of
9 representatives or by majority vote of both in any regular or
10 special session following the date of the authority's approval
11 in principle of the disposition. The authority shall submit for
12 introduction to the legislature a resolution for review of
13 action on any disposition in fee simple, by lease with option to
14 purchase, or grant of easement in perpetuity to be consummated
15 by the authority wherein deeds, leases, or grants will be
16 executed by the parties together with the following information:

17 (1) The location and area of the parcel of land to be
18 disposed of;

19 (2) The appraised value of the land to be disposed of;

20 (3) The name of the real estate appraiser that appraised
21 the land to be disposed of;

22 (4) The name of the proposed grantee or lessee; and



1 (5) Copies of the dispositive documents."

2 SECTION 3. Chapter 206M, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§206M- Disposition of property, disapproval by the
6 legislature. Any disposition of lands by the corporation in fee
7 simple, by lease with option to purchase, or grant of easement
8 in perpetuity shall be subject to disapproval by the legislature
9 by two-thirds vote of either the senate or the house of
10 representatives or by majority vote of both in any regular or
11 special session following the date of the corporation's approval
12 in principle of the disposition. The corporation shall submit
13 for introduction to the legislature a resolution for review of
14 action on any disposition in fee simple, by lease with option to
15 purchase, or grant of easement in perpetuity to be consummated
16 by the board wherein deeds, leases, or grants will be executed
17 by the parties together with the following information:

18 (1) The location and area of the parcel of land to be
19 disposed of;

20 (2) The appraised value of the land to be disposed of;

21 (3) The name of the real estate appraiser that appraised
22 the land to be disposed of;

1 (4) The name of the proposed grantee or lessee; and

2 (5) Copies of the dispositive documents."

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.

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JAN 20 2006



HB 2112

Report Title:

Public Lands; Disposition

Description:

Provides legislature power to disapprove of any disposition of public lands in fee simple, by lease with option to purchase, or by grant of easement in perpetuity by BLNR, HCDA, and High Technology Development Corporation.

