

---

# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1           SECTION 1. For many decades, the State has granted permits  
2 or leases for recreation-residence use on public lands such as  
3 state parks and forest reserves for a term not to exceed twenty  
4 years. Some of these permits and leases have recently expired  
5 in state parks such as Koke'e and Waimea canyon, Kaua'i and have  
6 caused uncertainty in the process of leasing these sites. The  
7 purpose of this Act is to address the process of leasing public  
8 lands for recreation-residence use in locations at state parks  
9 or state forest reserves.

10           Currently, section 171-44, Hawaii Revised Statutes, allows  
11 the board of land and natural resources (board) to lease public  
12 lands for recreation-residence use by direct negotiation. This  
13 Act allows the board to utilize another process through public  
14 auction to lease public lands for recreation-residence use. In  
15 addition, this Act recognizes the current lessees or permittees  
16 and allows the board to offer these lessees or permittees an  
17 opportunity to match the winning bid. Further, this Act also  
18 allows the board to include in the public auction process a



1 requirement that the bidder be a bona fide full-time resident of  
2 the State of Hawaii. The full-time resident requirement will  
3 ensure that the recreation-residence lots will be occupied more  
4 frequently to provide security for the health, safety, and  
5 welfare of the state parks or forest reserve and its visitors.

6 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§171- Lease for recreation-residence use by public  
10 auction. Notwithstanding any limitations to the contrary, the  
11 board of land and natural resources may lease, by public  
12 auction, lands within a state park or forest reserve and other  
13 lands set aside under executive orders, for recreation-residence  
14 use for a period not to exceed twenty years on such terms and  
15 conditions as may be prescribed by the board.

16 The board may allow the most recent occupant of the lands  
17 (whether such occupant held by lease or revocable permit) the  
18 right to match the winning bid at auction, provided that the  
19 most recent occupant otherwise possesses such other  
20 qualifications as the board may prescribe pursuant to section  
21 171-6.



1       The board may include the requirement that the bidder be a  
2 bona fide full-time resident of the State of Hawaii. The board  
3 may impose restrictions on transferability of such leases as may  
4 be necessary to effectuate the intention of this section and  
5 such restrictions may include, but not be limited to,  
6 prohibition of any transfers and prohibition against bidding by  
7 any person or entity other than natural persons, married  
8 couples, or reciprocal beneficiaries."

9       SECTION 3. The department of land and natural resources is  
10 required to enforce all provisions of recreation-residential  
11 lease agreements and shall establish a schedule of penalties and  
12 fines for any breach of the provisions of a recreation-  
13 residential lease agreement unless penalties and fines are  
14 specified in the lease agreement.

15       SECTION 4. New statutory material is underscored.

16       SECTION 5. This Act shall take effect upon its approval  
17 and shall be repealed on January 1, 2012.



**Report Title:**

Department of Land and Natural Resources; Recreational-Residence  
Use Leases

**Description:**

Allows the department of land and natural resources to use the  
process of public auction to lease public lands for recreation-  
residence use. Sunsets 01/01/12. (HB2872 SD2)

