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# A BILL FOR AN ACT

RELATING TO CEDED LANDS.

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

1           SECTION 1. The legislature finds that it is in the  
2 interest of the State and all the people of Hawaii to resolve  
3 native Hawaiian claims to ceded lands, and until such time the  
4 legislature also finds the sale or exchange of ceded lands to be  
5 a breach of the fiduciary responsibility of the State as a  
6 steward of those lands under article XII, section 4, of the  
7 Constitution of the State of Hawaii.

8           The purpose of this Act is to prohibit the sale or exchange  
9 of ceded lands by the State.

10          SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended  
11 by adding two new sections to be appropriately designated and to  
12 read as follows:

13           "§171-A Sale of lands in the public land trust. (a)  
14 Notwithstanding any law to the contrary, no sale in fee simple  
15 shall be made of:

16           (1) Lands ceded to the United States by the Republic of  
17           Hawaii under the joint resolution of annexation,  
18           approved July 7, 1898 (30 Stat. 750), or acquired in



1           exchange for lands so ceded, and granted to the State  
2           of Hawaii by virtue of section 5(b) of the Admission  
3           Act of 1959; or

4           (2) Lands retained by the United States under section 5(c)  
5           and (d) of the Admission Act of 1959 and later  
6           conveyed to the State under section 5(e) or under the  
7           Act of December 23, 1964 (Pub. Law 88-233, 77 Stat.  
8           472).

9           **§171-B Exchange of lands in the public land trust for**

10 **private land.** (a) Notwithstanding any law to the contrary, no  
11 exchange shall be made of:

12           (1) Lands ceded to the United States by the Republic of  
13           Hawaii under the joint resolution of annexation,  
14           approved July 7, 1898 (30 Stat. 750), or acquired in  
15           exchange for lands so ceded, and granted to the State  
16           of Hawaii by virtue of section 5(b) of the Admission  
17           Act of 1959; or

18           (2) Lands retained by the United States under section 5(c)  
19           and (d) of the Admission Act of 1959 and later  
20           conveyed to the State under section 5(e) or under the  
21           Act of December 23, 1964 (Pub. Law 88-233, 77 Stat.  
22           472)."



1 SECTION 3. Section 171-13, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§171-13 Disposition of public lands.** Except as otherwise  
4 provided by law and subject to other provisions of this chapter,  
5 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 except that dispositions that result in or may result  
9 in alienation of the fee of lands:

10 (A) Ceded to the United States by the Republic of  
11 Hawaii under the joint resolution of annexation,  
12 approved July 7, 1898 (30 Stat. 750), or acquired  
13 in exchange for lands so ceded, and granted to  
14 the State of Hawaii by virtue of section 5(b) of  
15 the Admission Act of 1959; or

16 (B) Lands retained by the United States under section  
17 5(c) and (d) of the Admission Act of 1959 and  
18 later conveyed to the State under section 5(e) or  
19 under the Act of December 23, 1964 (Pub. Law 88-  
20 233, 77 Stat. 472), are subject to section 171-A  
21 and 171-B; and



1           (2) Grant easement by direct negotiation or otherwise for  
2           particular purposes in perpetuity on [~~such~~] terms as  
3           may be set by the board, subject to reverter to the  
4           State upon termination or abandonment of the specific  
5           purpose for which it was granted, provided the sale  
6           price of [~~such~~] the easement shall be determined  
7           pursuant to section 171-17(b).

8 No person shall be eligible to purchase or lease public lands,  
9 or to be granted a license, permit, or easement covering public  
10 lands, who has had during the five years preceding the date of  
11 disposition a previous sale, lease, license, permit, or easement  
12 covering public lands cancelled for failure to satisfy the terms  
13 and conditions thereof."



14           SECTION 4. In codifying the new sections added by section  
15 2 of this Act, the revisor of statutes shall substitute  
16 appropriate section numbers for the letters used in designating  
17 the new sections in this Act.

18           SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval  
2 and shall be repealed on June 30, 2013.  
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INTRODUCED BY:

  
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JAN 28 2009



**Report Title:**

Ceded Lands; Disposition Prohibited

**Description:**

Prohibits the sale or exchange of ceded lands by the state.

