

JAN 26 2009

A BILL FOR AN ACT

RELATING TO CEDED 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.** 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; provided
8 that no disposition of public lands shall violate
9 subsection 171-18(b); and

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



1 No person shall be eligible to purchase or lease public lands,
2 or to be granted a license, permit, or easement covering public
3 lands, who has had during the five years preceding the date of
4 disposition a previous sale, lease, license, permit, or easement
5 covering public lands cancelled for failure to satisfy the terms
6 and conditions thereof."

7 SECTION 2. Section 171-18, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§171-18 Public land trust. (a) All funds derived from
10 the sale or lease or other disposition of public lands shall be
11 appropriated by the laws of the State; provided that all
12 proceeds and income from the sale, lease, or other disposition
13 of lands ceded to the United States by the Republic of Hawaii
14 under the joint resolution of annexation, approved July 7, 1898
15 (30 Stat. 750), or acquired in exchange for lands so ceded, and
16 returned to the State of Hawaii by virtue of section 5(b) of the
17 Act of March 18, 1959 [~~(73 Stat. 6)~~,] (73 Stat. 5) and all
18 proceeds and income from the sale, lease, or other disposition
19 of lands retained by the United States under sections 5(c) and
20 5(d) of the Act and later conveyed to the State under
21 section 5(e) shall be held as a public trust for the support of
22 the public schools and other public educational institutions,



1 for the betterment of the conditions of native Hawaiians as
2 defined in the Hawaiian Homes Commission Act, 1920, as amended,
3 for the development of farm and home ownership on as widespread
4 a basis as possible, for the making of public improvements, and
5 for the provision of lands for public use.

6 (b) Notwithstanding any law to the contrary, the board
7 shall not sell, exchange, or otherwise alienate:

8 (1) Lands ceded to the United States by the Republic of
9 Hawaii under the joint resolution of annexation,
10 approved July 7, 1898 (30 Stat. 750), or acquired in
11 exchange for lands so ceded, and returned to the State
12 of Hawaii by virtue of section 5(b) of the Act of
13 March 18, 1959 (73 Stat. 5); or

14 (2) Lands retained by the United States under sections
15 5(c) and 5(d) of the Act of March 18, 1959 (73 Stat.
16 5) and later conveyed to the State under section 5(e)
17 or under the Act of December 23, 1964 (77 Stat. 472)."

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

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

J. Kalani Eggen

Clyde Lee

B

Michelle N. Linder



Report Title:

BLNR; Ceded Lands; Public Land Trust; Prohibition on Disposition

Description:

Prohibits the board of land and natural resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

