

---

---

## 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.



# H.B. NO. 1667

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

2

INTRODUCED BY:

Mel Carr

[Signature]

[Signature]

Karen Arana

Alla R Belatti

[Signature]

[Signature]

[Signature]

[Signature]

Jessica Woolf

JAN 28 2009



**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.

