
A BILL FOR AN ACT

RELATING TO HAWAIIAN HOME LANDS.

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

1 SECTION 1. Section 204, Hawaiian Homes Commission Act,
2 1920, as amended, is amended by amending subsection (a) to read
3 as follows:

4 "(a) Upon the passage of this Act, all available lands
5 shall immediately assume the status of Hawaiian home lands and
6 be under the control of the department to be used and disposed
7 of in accordance with the provisions of this Act, except that:

8 (1) In case any available land is under lease by the
9 Territory of Hawaii, by virtue of section 73 of the
10 Hawaiian Organic Act, at the time of the passage of
11 this Act, such land shall not assume the status of
12 Hawaiian home lands until the lease expires or the
13 board of land and natural resources withdraws the
14 lands from the operation of the lease. If the land is
15 covered by a lease containing a withdrawal clause, as
16 provided in section 73(d) of the Hawaiian Organic Act,
17 the board of land and natural resources shall withdraw
18 such lands from the operation of the lease whenever



1 the department gives notice to the board that the
2 department is of the opinion that the lands are
3 required by it for the purposes of this Act; and such
4 withdrawal shall be held to be for a public purpose
5 within the meaning of that term as used in section
6 73(d) of the Hawaiian Organic Act.

- 7 (2) Any available land, including lands selected by the
8 department out of a larger area, as provided by this
9 Act, not leased as authorized by section 207(a) of
10 this Act, may be returned to the board of land and
11 natural resources as provided under section 212 of
12 this Act, or may be retained for management by the
13 department. Any Hawaiian home lands general lease
14 issued by the department after June 30, 1985, shall
15 contain a withdrawal clause allowing the department to
16 withdraw the land leased at any time during the term
17 of the lease for the purposes of this Act.

18 In the management of any retained available lands
19 not required for leasing under section 207(a), the
20 department may dispose of those lands or any
21 improvements thereon to the public, including native
22 Hawaiians, on the same terms, conditions,



1 restrictions, and uses applicable to the disposition
2 of public lands in chapter 171, Hawaii Revised
3 Statutes; provided that the department may not sell or
4 dispose of such lands in fee simple except as
5 authorized under section 205 of this Act; provided
6 further that the department is expressly authorized to
7 negotiate, prior to negotiations with the general
8 public, the disposition of Hawaiian home lands or any
9 improvements thereon to a native Hawaiian, or
10 organization or association owned or controlled by
11 native Hawaiians, for commercial, industrial, or other
12 business purposes, in accordance with the procedures
13 set forth in chapter 171, Hawaii Revised Statutes[-];
14 provided further that for lands that have been leased
15 under agriculture and pasture leases, the department
16 shall negotiate the disposition of Hawaiian home lands
17 or any improvements thereon solely to native
18 Hawaiians, or organizations or associations owned or
19 controlled by native Hawaiians, for agriculture and
20 pasture purposes, in accordance with the procedures
21 set forth in chapter 171, Hawaii Revised Statutes, so
22 far as applicable and not inconsistent with this Act.



1 (3) The department, with the approval of the Secretary of
2 the Interior, [~~in order~~] to consolidate its holdings
3 or to better effectuate the purposes of this Act, may
4 exchange the title to available lands for land,
5 privately or publicly owned, of an equal value. All
6 lands so acquired by the department shall assume the
7 status of available lands as though the land were
8 originally designated as available lands under section
9 203 of this Act, and all lands so conveyed by the
10 department shall assume the status of the land for
11 which it was exchanged. The limitations imposed by
12 section 73(1) of the Hawaiian Organic Act and the land
13 laws of Hawaii as to the area and value of land that
14 may be conveyed by way of exchange shall not apply to
15 exchanges made pursuant hereto. No such exchange of
16 land publicly owned by the State shall be made without
17 the approval of two-thirds of the members of the board
18 of land and natural resources. For the purposes of
19 this paragraph, lands "publicly owned" means land
20 owned by a county or the State or the United States."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY: Mele Carroll
Debbie Hanstrom
Cindy Evans
[Signature]

JAN 21 2011



Report Title:

Hawaiian Homes Commission Act; General Leases

Description:

Restricts the general lease of Hawaiian Home Lands that have traditionally been leased under agriculture and pasture leases to native Hawaiians and organizations and associations owned or controlled by native Hawaiians.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

