

S.B. NO. 2838

JAN 23 2014

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF 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 not
19 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,

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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 in addition to dispositions made
15 pursuant to chapter 171, Hawaii Revised Statutes, the
16 department may lease by direct negotiation and at fair
17 market rents, any improvements on Hawaiian home lands,
18 or portions thereof, that are owned or controlled by
19 the department for a term not to exceed five years.

- 20 (3) The department, with the approval of the Secretary of
21 the Interior, in order to consolidate its holdings or
22 to better effectuate the purposes of this Act, may

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

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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Report Title:

HHCA; DHHL; Disposition of Improvements

Description:

Amends the Hawaiian Homes Commission Act to permit the Department of Hawaiian Home Lands to dispose of department-owned or department-controlled improvements, or space within an improvement, on Hawaiian home lands through direct negotiations.

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

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: Permits the department to dispose of department-owned or department-controlled improvements, or space within an improvement, on Hawaiian home lands through direct negotiations.

MEANS: Amend section 204(a) of the Hawaiian Homes Commission Act, 1920, as amended.

JUSTIFICATION: The department currently owns improvements such as buildings and warehouses, and as certain general leases expire, the department will become the owner of more improvements. The authority to lease space through direct negotiations would allow the department greater flexibility to generate revenue on its lands.

Impact on the public: There is a positive impact on the public, specifically native Hawaiians, as this proposal helps the department generate revenue so it will have resources to support programs for native Hawaiian lessees and applicants, including the development of homestead lots, loans, and other rehabilitation programs.

Impact on the department and other agencies: This bill will provide a means to help the department generate resources to develop and award more homestead lots, provide more loans, and deliver other rehabilitation programs.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

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DESIGNATION: HHL 602.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.