
A BILL FOR AN ACT

RELATING TO LAND DISPOSITIONS.

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

1 SECTION 1. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- Disposition by negotiation; department of
5 transportation. (a) Upon a determination by the director of
6 transportation that the disposition by negotiation of public
7 lands encourages competition within the aeronautical, airport-
8 related, maritime, and maritime-related operations, the
9 department of transportation may, without board approval and
10 without regard to sections 171-16(c) and 171-59, negotiate the
11 disposition of lands under its control and jurisdiction;
12 provided that:

13 (1) The land subject to the disposition shall be used for
14 aeronautical, airport-related, maritime, and maritime-
15 related operations; and

16 (2) The disposition shall not exceed a maximum term of
17 thirty-five years, except in the case of maritime and



1 maritime-related operations, which may provide for a
2 maximum term of seventy years.

3 (b) The disposition by negotiation may include leases and
4 any other instruments of disposition.

5 (c) For the purposes of this section:

6 "Airport-related" means a purpose or activity that requires
7 air transportation to achieve that purpose or activity; or an
8 activity that generates revenue for the airport system as
9 provided in section 261-7.

10 "Maritime-related" means a purpose or activity that
11 requires and is directly related to the loading, off-loading,
12 storage, or distribution of goods and services of the maritime
13 industry; navigation of the sea; cargo handling and control;
14 storage, repair, maintenance, and servicing of marine and
15 marine-related equipment; sale, processing, and canning of fish
16 and fish products; and offices and accommodations for the
17 personnel and employees of persons engaged in maritime
18 operations."

19 SECTION 2. Section 171-11, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§171-11 Public purposes, lands set aside by the governor;
 2 management. The governor may, with the prior approval of the
 3 board of land and natural resources, set aside public lands to
 4 any department or agency of the State, the city and county,
 5 county, or other political subdivisions of the State for public
 6 use or purpose. All withdrawals of the lands or portions
 7 thereof so set aside shall be made by the governor.

8 Any public lands set aside by the governor prior to the
 9 enactment of this chapter, or any public lands set aside by the
 10 governor of the Territory of Hawaii, shall be subject to the
 11 provisions of this section.

12 Lands while so set aside for such use or purpose or when
 13 acquired for roads and streets shall be managed by the
 14 department, agency, city and county, county, or other political
 15 subdivisions of the State having jurisdiction thereof, unless
 16 otherwise provided by law. Such department, agency of the
 17 State, the city and county, county, or other political
 18 subdivisions of the State in managing such lands shall be
 19 authorized to exercise all of the powers vested in the board in
 20 regard to the issuance of leases, easements, licenses, revocable
 21 permits, concessions, or rights of entry covering such lands for



1 such use as may be consistent with the purposes for which the
2 lands were set aside on the same terms, conditions, and
3 restrictions applicable to the disposition of public lands, as
4 provided by this chapter all such dispositions, except for
5 public lands under the jurisdiction of the department of
6 transportation, being subject to the prior approval of the
7 board; provided that any nonrenewable dispositions granting
8 rights for a period not in excess of fourteen days shall not
9 require (1) the approval of the board or (2) public auction or
10 public advertisement for sealed tenders; and provided further
11 that disposition of lands set aside for use as agricultural
12 parks pursuant to chapter 166 shall not be subject to the prior
13 approval of the board. If at the time of the disposition of any
14 such leases the board shall have approved the same, any order
15 withdrawing or setting aside any or all of such lands for any
16 other public purpose shall be made subject to such leases.
17 Subject to section 5(f) of the Act of March 18, 1959 (73 Stat.
18 6), all proceeds from such lands shall be deposited into the
19 appropriate funds provided by law.

20 This section shall also apply where the purposes are the
21 uses and purposes of the United States; provided that all



1 revenues derived from the lands and improvements thereon shall
2 be paid to the department of land and natural resources by the
3 United States.

4 Whenever lands set aside for a public purpose to the
5 various departments and agencies of the State, or to any city
6 and county, county, or other political subdivisions of the
7 State, or to the United States, are not being utilized or
8 required for the public purpose stated, the order setting aside
9 the lands shall be withdrawn and the lands shall be returned to
10 the department. The governor may withdraw public lands and,
11 with the prior approval of the board of land and natural
12 resources, set aside the withdrawn lands to another department
13 or agency of the State, the city and county, county, or
14 political subdivision of the State, or to the United States for
15 public use or purpose, provided that no structure on such lands
16 shall be built, demolished or altered until after the
17 legislative action or inaction as hereinbelow provided.

18 The power granted to the governor in this section to set
19 aside or withdraw or withdraw and set aside public lands shall
20 be exercised subject to disapproval by the legislature by two-
21 thirds vote of either the senate or the house of representatives



1 or by the majority vote of both, in any regular or special
2 session next following the date of the setting aside or
3 withdrawal, or withdrawal and setting aside.

4 Whenever portions of lands set aside for a public purpose
5 to the various departments and agencies of the State, or to any
6 city and county, county, or other political subdivision of the
7 State are not presently utilized or required for the public
8 purpose stated, the board shall have the power, without
9 withdrawing the order setting aside the lands, to dispose of any
10 and all real property interest less than the fee in the portions
11 of such lands where the disposition is for a use which is
12 consistent or inconsistent with the purpose for which the land
13 was set aside. All funds derived from disposition by the board
14 shall be deposited in the general fund of the State or be paid
15 to the appropriate account; provided that all such dispositions
16 shall be with the prior written approval of the department,
17 agency, city and county, county, or other political subdivisions
18 of the State and the governor, and shall be undertaken in
19 compliance with all other applicable sections of this chapter."

20 SECTION 3. Section 171-59, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Disposition of public lands for [~~airline, aircraft,~~
2 ~~airport-related,~~] agricultural processing, cattle feed
3 production, and aquaculture [~~, marine, maritime, and maritime-~~
4 ~~related~~] operations may be negotiated without regard to the
5 limitations set forth in subsection (a) and section 171-16(c);
6 provided that:

7 (1) The disposition encourages competition within the
8 [~~aeronautical, airport-related,~~] agricultural, and
9 aquaculture [~~, maritime, and maritime-related~~]
10 operations;

11 (2) The disposition shall not exceed a maximum term of
12 thirty-five years, except in the case of[+]

13 (A) ~~Maritime and maritime-related operations, which~~
14 ~~may provide for a maximum term of seventy years,~~
15 and

16 (B) ~~Aquaculture~~] aquaculture operations, which may
17 provide for a maximum term of sixty-five years;
18 provided that aquaculture operations in good
19 standing may seek to renew a lease issued under
20 this section and, during the lease term, may



1 engage in supportive activities that are related
2 to or integrated with aquaculture; and

3 (3) The method of disposition of public lands for cattle
4 feed production as set forth in this subsection shall
5 not apply after December 31, 1988.

6 For the purposes of this subsection:

7 "Agricultural processing" means the processing of
8 agricultural products, including dairying, grown, raised, or
9 produced in Hawaii.

10 ~~["Airport-related" means a purpose or activity that~~
11 ~~requires air transportation to achieve that purpose or activity,~~
12 ~~or an activity that generates revenue for the airport system as~~
13 ~~provided in section 261-7.]~~

14 "Aquaculture" means the propagation, cultivation, or
15 farming of aquatic plants and animals in controlled or selected
16 environments for research, commercial, or stocking purposes,
17 including aquaponics or any growing of plants or animals with
18 aquaculture effluents.

19 ~~["Maritime-related" means a purpose or activity that~~
20 ~~requires and is directly related to the loading, off-loading,~~



1 ~~storage, or distribution of goods and services of the maritime~~
2 ~~industry.] "~~

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

5 SECTION 5. This Act shall take effect on July 1, 2050, and
6 shall be repealed on July 1, 2021; provided that sections 171-11
7 and 171-59, Hawaii Revised Statutes, shall be reenacted in the
8 form in which they read on the day before the effective date of
9 this Act.

10



Report Title:

Disposition of Land; Aeronautical, Airport-related, Maritime, and Maritime Related Operations; Department of Transportation

Description:

Authorizes the Department of Transportation to negotiate the disposition of lands under its control for aeronautical, airport-related, maritime, and maritime related operations. Repeals authorization for BLNR to negotiate the disposition of lands for aeronautical, airport-related, maritime, and maritime related operations. Takes effect 7/1/2050. Repeals 7/1/2021. (SD1)

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