

JAN 18 2019

A BILL FOR AN ACT

RELATING TO THE DISPOSITION OF PUBLIC LANDS.

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

1 SECTION 1. Article XI, section 1 of the Hawai'i State
2 Constitution provides that, "For the benefit of present and
3 future generations, the State and its political subdivisions
4 shall conserve and protect Hawaii's natural beauty and all
5 natural resources, including land, water, air, minerals, and
6 energy sources, and shall promote the development of utilization
7 of these resources in a manner consistent with their
8 conservation and in furtherance of the self-sufficiency of the
9 State. All public natural resources are held in trust by the
10 State for the benefit of the people." Public trust lands must
11 be properly stewarded for future generations. The legislature
12 finds that rigorous procedures are required to protect the
13 public interest before public lands are dedicated to private
14 uses.

15 The purpose of this Act is to require the board of land and
16 natural resources to make certain determinations before



1 approving the disposition of public lands and to prohibit the
2 disposition of public lands under certain circumstances.

3 SECTION 2. Section 171-33, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§171-33 Planning; generally. (a) Prior to any notice of
6 intended disposition, the board of land and natural resources
7 shall:

- 8 (1) Classify the land according to its use or uses as
9 provided in this chapter;
- 10 (2) Determine the specific use or uses for which the
11 disposition is intended;
- 12 (3) Parcel land into units of minimum size areas related
13 to the intended specific use or uses and sufficient
14 for an economic operation, hereinafter called an
15 "economic unit";
- 16 (4) Determine the requirements for the construction of
17 building or other improvements, which are necessary or
18 desirable to encourage the highest use of the land;
- 19 (5) Determine the upset price or lease rental, based upon
20 the fair market value of the land employed to the
21 specific use or uses for which the disposition is



- 1 being made, with due consideration for all of the
2 terms and conditions of the disposition;
- 3 (6) Determine the necessary conditions of disposition
4 which will discourage speculation;
- 5 (7) In the case of leases, determine the minimum tenure
6 necessary to support the intended use or uses and the
7 necessity for periodic rent openings in long-term
8 leases to assure the State a fair return;
- 9 (8) Prepare the proposed documents and make them available
10 for public inspection; and
- 11 (9) Determine, two years before the expiration of the term
12 of any lease, whether the premises are to be demised
13 for the same use or uses under a new lease or whether
14 all or any part thereof is to be reserved for other
15 use or uses and then promptly notify the lessee of the
16 determination.
- 17 (b) Prior to the approval of any public land disposition,
18 the board of land and natural resources shall:
- 19 (1) Consider all alternative uses of the land and
20 alternatives available to the applicant;



1 (2) Examine comparable rents, uses, and areas, and the
2 costs that the applicant may avoid by acquiring public
3 land; and

4 (3) Determine whether the transfer, assignment, or sale of
5 a lease or permit is prohibited.

6 (c) The board of land and natural resources shall not
7 approve any public land disposition if:

8 (1) Approval of the disposition would adversely impact
9 trails, historical sites, cultural sites, traditional
10 practices, or natural resources;

11 (2) Approval of the disposition would impair public access
12 to recreational areas; or

13 (3) The applicant has, within the past twenty years from
14 the date of their application:

15 (A) Violated any law related to land use,
16 environmental protection, historic and cultural
17 property or resources, civil rights, occupational
18 safety, or labor;

19 (B) Made false statements in any application seeking
20 a land use entitlement; or



S.B. NO. 916

1
2
3
4
5

(C) Violated any agreement with a governmental agency."

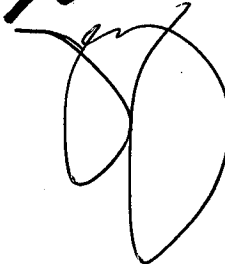
SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:



Clarence K Reichert



Anna Orlandi



S.B. NO. 916

Report Title:

Public Land Dispositions; Board of Land and Natural Resources;
Requirements; Restrictions

Description:

Requires that the board of land and natural resources make certain determinations before approving public land dispositions. Restricts the board of land and natural resources from approving the disposition of public lands under certain circumstances.

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

