
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. The purpose of this Act is to establish a
2 lottery system for the leasing of cabins on public lands for
3 recreation-residence use.

4 SECTION 2. Section 171-1, Hawaii Revised Statutes, is
5 amended by adding two new definitions to be appropriately
6 inserted and to read as follows:

7 "Good standing" means the status of a lessee who is in
8 full compliance with the lessee's obligations under the lease.

9 "Recreation-residence" means a part-time residence for
10 occasional, recreational use and not for continuous occupancy by
11 the lessee or lessee's family, friends, and guests."

12 SECTION 3. Section 171-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§171-7 General duties of the board.** Except as provided
15 by law, the board of land and natural resources through the
16 chairperson shall:

17 (1) Maintain an accurate inventory of public lands;



- 1 (2) Prevent illegal activities on, unlawful occupation of,
2 or trespassing on public lands;
- 3 (3) Cause all trespassers and persons unlawfully occupying
4 public lands, and their effects, and all animals
5 trespassing on the lands to be removed therefrom and
6 to impound the animals according to law;
- 7 (4) Enter on any public land in order to take possession
8 thereof, and to resume possession of, any public land
9 in case of surrender, forfeiture, or escheat;
- 10 (5) Enforce contracts respecting sales, leases, licenses,
11 permits, or other disposition of public lands;
- 12 (6) Conduct all public auctions, lotteries, and sales
13 pertaining to the disposition of public lands and
14 other property authorized by the board;
- 15 (7) Recover money due the State for damage done to any
16 public lands by wrongful entry and occupation or by
17 wrongful removal therefrom or destruction of any
18 property;
- 19 (8) Bring [~~such~~] actions and proceedings as may be
20 necessary to carry out the powers and duties of the
21 board in the name of the State and [~~to~~] defend [~~such~~]



1 these actions brought against the State as may be
2 authorized;

3 (9) Keep a record of all official transactions~~[7]~~ relating
4 to public lands within the chairperson's jurisdiction
5 ~~[and such record]~~, which shall be a public record; and

6 (10) Administer oaths in all matters pertaining to the
7 administration of the public lands."

8 SECTION 4. Section 171-44, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§171-44 Lease for recreation-residence use.** [+] (a) [+]

11 Notwithstanding any limitations to the contrary, the board of
12 land and natural resources ~~[may]~~ shall lease, by ~~[direct~~
13 ~~negotiation]~~ public lottery and without recourse to public
14 auction, lands within a state park or forest reserve and other
15 lands set aside under executive orders, for recreation-residence
16 use for a period not to exceed twenty years on ~~[such]~~ terms and
17 conditions as may be prescribed by the board~~[-]~~; provided that:

18 (1) A lessee determined to be in good standing by the
19 board at the expiration of the lessee's lease may
20 directly negotiate with the board to renew the lease
21 for an additional term not to exceed twenty years;



1 (2) Any lease renewed shall be based on the fair market
2 value of the leased land, excluding any on site
3 improvements; and

4 (3) A lessee shall notify the board in writing no less
5 than sixty days before the termination of the lease if
6 the lessee intends to renew the lease.

7 [+] (b) [+] The [+] board [+] of land and natural resources
8 shall enforce all provisions of [~~recreation-residential~~]
9 recreation-residence use lease agreements and shall establish a
10 schedule of penalties and fines for any breach of the provisions
11 of a [~~recreation-residential~~] recreation-residence use lease
12 agreement unless penalties and fines are specified in the lease
13 agreement.

14 (c) Recreation-residence use leases offered by public
15 lottery shall be:

16 (1) Offered at fair market value, to be determined by
17 appraisal pursuant to section 171-17; and

18 (2) Limited to one person per recreation-residence;
19 provided that if two or more lessees intend to jointly
20 reside in the same recreation-residence, only one
21 lessee may enter the public lottery.



1 (d) The board shall limit participation in the public
2 lottery of recreation-residence use leases to residents of the
3 same county in which the land to be leased is located; provided
4 that limiting participation in the public lottery to residents
5 of the county will be for the benefit of the residents of the
6 county; ensure premises leased will be properly maintained by
7 the lessee; and preserve the environmental, cultural, and scenic
8 values of the leased premises. If the number of county
9 residents participating in the public lottery is fewer than the
10 number of leases available, the board shall open the public
11 lottery to all residents of the State, followed by nonresidents.

12 (e) Any transfer or assignment of a recreation-residence
13 use lease shall be subject to a fee of \$1,200, to be paid to the
14 board. The board shall annually increase or decrease the fee to
15 reflect changes to the implicit price deflator for the gross
16 domestic product as published by the Bureau of Economic
17 Analysis, applied on a five-year rolling average."

18 SECTION 5. 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.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 7. This Act shall take effect on July 1, 2040.



Report Title:

BLNR; Public Lands; Recreation-Residence Use Leases; Public Lottery

Description:

Requires the Board of Land and Natural Resources to lease public lands for recreation-residence use by public lottery and restrict participation in the public lottery to residents of the county in which the leased land is located. Effective 7/1/2040. (SD1)

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