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# 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 provided that the property has been subject to public  
2 lottery at least once;

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

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

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

16 (c) Recreation-residence use leases offered by public  
17 lottery shall:

18 (1) Be offered at fair market value, to be determined by  
19 appraisal pursuant to section 171-17;

20 (2) Be limited to one person per recreation-residence;  
21 provided that if two or more lessees intend to jointly



1 reside in the same recreation-residence, only one  
2 lessee may enter the public lottery; and

3 (3) For vacant recreation-residences, held within twelve  
4 months of the recreation-residence becoming vacant.

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

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



1       SECTION 5. 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 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       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. (SD2)

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

