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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 a new definition to be appropriately inserted  
6 and to read as follows:

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

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

11           "**§171-7 General duties of the board.** Except as provided  
12 by law, the board of land and natural resources through the  
13 chairperson shall:

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

15           (2) Prevent illegal activities on, unlawful occupation of,  
16 or trespassing on public lands;



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



1 (9) Keep a record of all official transactions, relating  
2 to public lands within the chairperson's jurisdiction  
3 and such record shall be a public record; and

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

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

8 "**§171-44 Lease for recreation-residence use.** [†] (a) [†]

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

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



1       (2) Any extensions of a lease shall be based on the fair  
2             market 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 prior to the termination of the lease  
6             if the lessee intends to extend the lease.

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

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

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

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



1        (d) The board may 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 upon its approval.

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INTRODUCED BY:



JAN 23 2025



# H.B. NO. 1348

**Report Title:**

Public Lands; Recreation-residence Use Leases; Public Lottery

**Description:**

Authorizes the Board of Land and Natural Resources to lease public lands for recreational-residential use by public lottery and restrict participation in the public lottery to residents of the county in which the leased land is located.

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

