

ACT 21

A Bill Relating to Lands Beneath or Formerly Beneath Tidal Waters
in the State.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. (a) The governor shall, after receiving the advice of the land board, the board of harbor commissioners, and the director of state planning, give the status of public lands to reclaimed lands heretofore or hereafter filled in or made and which have not been filled in or made contrary to the public interest. Thereupon chapter 99 of the

Revised Laws of Hawaii 1955, as amended, and all other laws of the state relating to public lands shall apply to the reclaimed lands given the status of public lands by the governor.

(b) Any reclaimed lands which have been or may be filled in or made contrary to the public interest shall have the status of public lands and shall be disposed of only with the approval of the legislature.

SECTION 2. Whenever, in connection with reclaimed lands or the reclamation of lands beneath tidal waters by authority of law, the land board deems it advantageous to the state in order to settle the rights (littoral or otherwise), if any, of an abutting owner, or to consolidate the holdings of public lands in the vicinity or provide public ways or access to the public lands, it may with the approval of the governor and two thirds of the members of the land board sell, lease or transfer by way of an exchange, to such abutting owner, or an owner whose land is needed for such consolidation of public holdings, access or ways, without public auction but subject to any limitation of the land laws of Hawaii and to the provisions of the Act of August 21, 1958 of the 85th Congress, P. L. 85-718 in respect of the area and value of land that may be conveyed by way of exchange, lands having the status of public lands.

SECTION 3. As used in this Bill:

The term "lands beneath tidal waters" means all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide, within the boundaries of the state.

The term "reclaimed lands" refers to filled in or made lands which formerly were lands beneath the tidal waters.

SECTION 4. This Bill shall take effect upon approval.

(Approved November 19, 1959.) **S.B. 33.**
