

ACT 173

An Act Relating to the Public Lands of the State of Hawaii.

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

SECTION 1. Subsection -11, section 2 of Act 32, Session Laws of Hawaii 1962 is hereby amended to read as follows:

“Section -11. **Public purposes, lands set aside by the governor; management.** The governor may, after giving notice to the appropriate board of supervisors or city council of the county where the land is located and with the prior approval of the board, set aside public lands to any department or agency of the State, the city and county, county or other political subdivisions of the State for public use or purpose. All withdrawals of such lands or portions thereof so set aside shall be made by the governor.

Lands while so set aside for such use or purpose or when acquired for roads and streets shall be managed by the department, agency, city and county, county or other political subdivisions of the State having jurisdiction thereof, unless otherwise provided by law. Such department, agency of the State, the city and county, county or other political subdivisions of the State in managing such lands shall be authorized to exercise all of the powers vested in the board in regard to the issuance of leases, licenses, revocable permits, concessions or rights of entry covering such lands for such use as may be consistent with the purposes

for which the lands were set aside on the same terms, conditions and restrictions applicable to the disposition of public lands, all dispositions being subject to the approval of the board. If, at the time of the disposition of any such leases the board shall have approved the same, any order withdrawing or setting aside any or all of such lands for any other public purpose shall be made subject to the provisions of section 5(f) of the Act of March 18, 1959 (73 Stat. 6), all proceeds from such lands shall be deposited into the appropriate funds provided by law.

The provisions of this section shall also apply where the purposes are the uses and purposes of the United States; provided, however, that all revenues derived from such lands and improvements thereon shall be paid to the department by the United States.

Whenever lands set aside for a public purpose to the various departments and agencies of the State, or to any city and county, county or other political subdivisions of the State, or to the United States, are not being utilized for the public purpose stated, the order setting aside such lands shall be withdrawn and returned to the department.

The power granted to the governor in this section to set aside or withdraw public lands shall be exercised subject to disapproval by the legislature by a concurrent resolution in any regular or special session next following the date of such setting aside or withdrawal.

The board shall have the power to dispose of any and all real property interest in lands set aside to any department, agency of the State, city and county, county or other political subdivisions of the State where the disposition is for a use which is consistent or inconsistent with the purpose for which the land was set aside. All funds derived from disposition by the board shall be deposited in the general fund of the State of Hawaii or be paid to the appropriate account; provided, however, that all such dispositions shall be with the prior written approval of the department, agency, city and county, county or other political subdivisions of the State and the governor."

SECTION 2. This Act shall take effect upon approval.

(Approved June 3, 1963.) **S.B. 436.**
