
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1 SECTION 1. Section 204, Hawaiian Homes Commission Act,
2 1920, as amended, is amended by amending subsection (a) to read
3 as follows:

4 "(a) Upon the passage of this Act, all available lands
5 shall immediately assume the status of Hawaiian home lands and
6 be under the control of the department to be used and disposed
7 of in accordance with the provisions of this Act, except that:

8 (1) In case any available land is under lease by the
9 Territory of Hawaii, by virtue of section 73 of the
10 Hawaiian Organic Act, at the time of the passage of
11 this Act, such land shall not assume the status of
12 Hawaiian home lands until the lease expires or the
13 board of land and natural resources withdraws the
14 lands from the operation of the lease. If the land is
15 covered by a lease containing a withdrawal clause, as
16 provided in section 73(d) of the Hawaiian Organic Act,
17 the board of land and natural resources shall withdraw



1 such lands from the operation of the lease whenever
2 the department gives notice to the board that the
3 department is of the opinion that the lands are
4 required by it for the purposes of this Act; and such
5 withdrawal shall be held to be for a public purpose
6 within the meaning of that term as used in section
7 73(d) of the Hawaiian Organic Act.

- 8 (2) Any available land, including lands selected by the
9 department out of a larger area, as provided by this
10 Act, not leased as authorized by section 207(a) of
11 this Act, may be returned to the board of land and
12 natural resources as provided under section 212 of
13 this Act, or may be retained for management by the
14 department. Any Hawaiian home lands general lease
15 issued by the department after June 30, 1985, shall
16 contain a withdrawal clause allowing the department to
17 withdraw the land leased at any time during the term
18 of the lease for the purposes of this Act.

19 In the management of any retained available lands
20 not required for leasing under section 207(a), the
21 department may dispose of those lands or any



1 improvements thereon to the public, including native
2 Hawaiians, on the same terms, conditions,
3 restrictions, and uses applicable to the disposition
4 of public lands in chapter 171, Hawaii Revised
5 Statutes; provided that the department may not sell or
6 dispose of such lands in fee simple except as
7 authorized under section 205 of this Act; provided
8 further that the department is expressly authorized to
9 negotiate, prior to negotiations with the general
10 public, the disposition of Hawaiian home lands or any
11 improvements thereon to a native Hawaiian, or
12 organization or association owned or controlled by
13 native Hawaiians, for commercial, industrial, or other
14 business purposes, in accordance with the procedures
15 set forth in chapter 171, Hawaii Revised Statutes [-];
16 provided further that in addition to dispositions made
17 pursuant to chapter 171, Hawaii Revised Statutes, the
18 department may lease by direct negotiation and at fair
19 market rents, and for a term not to exceed five years,
20 any improvements on Hawaiian home lands, or portions



1 thereof, that are owned or controlled by the
2 department.

- 3 (3) The department, with the approval of the Secretary of
4 the Interior, in order to consolidate its holdings or
5 to better effectuate the purposes of this Act, may
6 exchange the title to available lands for land,
7 privately or publicly owned, of an equal value. All
8 lands so acquired by the department shall assume the
9 status of available lands as though the land were
10 originally designated as available lands under section
11 203 of this Act, and all lands so conveyed by the
12 department shall assume the status of the land for
13 which it was exchanged. The limitations imposed by
14 section 73(1) of the Hawaiian Organic Act and the land
15 laws of Hawaii as to the area and value of land that
16 may be conveyed by way of exchange shall not apply to
17 exchanges made pursuant hereto. No such exchange of
18 land publicly owned by the State shall be made without
19 the approval of two-thirds of the members of the board
20 of land and natural resources. For the purposes of



1 this paragraph, lands "publicly owned" means land
2 owned by a county or the State or the United States."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2014.



Report Title:

HHCA; DHHL; Disposition of Improvements

Description:

Amends the Hawaiian Homes Commission Act to permit the Department of Hawaiian Home Lands to dispose of department-owned or department-controlled improvements, or space within an improvement, on Hawaiian home lands through direct negotiations.
(HB2288 CD1)

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