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# 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  
18           such lands from the operation of the lease whenever



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

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

18 In the management of any retained available lands  
19 not required for leasing under section 207(a), the  
20 department may dispose of those lands or any  
21 improvements thereon to the public, including native  
22 Hawaiians, on the same terms, conditions,



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

21 (3) The department, with the approval of the Secretary of  
22 the Interior, in order to consolidate its holdings or



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

19 SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 3. This Act shall take effect on July 1, 2050.



**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. Effective 7/1/2050. (SD1)

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

