A BILL FOR AN ACT

RELATING TO THE DISPOSITION OF PUBLIC LANDS.

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

SECTION 1. Article XI, section 1 of the Hawai'i State Constitution provides that, "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development of utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people." Public trust lands must be properly stewarded for future generations. The legislature finds that rigorous procedures are required to protect the public interest before public lands are dedicated to private uses.

The purpose of this Act is to require the board of land and natural resources to make certain determinations before
approving the disposition of public lands and to prohibit the
disposition of public lands under certain circumstances.

SECTION 2. Section 171-33, Hawaii Revised Statutes, is
amended to read as follows:

"§171-33 Planning; generally. (a) Prior to any notice of
intended disposition, the board of land and natural resources
shall:

(1) Classify the land according to its use or uses as
provided in this chapter;

(2) Determine the specific use or uses for which the
disposition is intended;

(3) Parcel land into units of minimum size areas related
to the intended specific use or uses and sufficient
for an economic operation, hereinafter called an
"economic unit";

(4) Determine the requirements for the construction of
building or other improvements, which are necessary or
desirable to encourage the highest use of the land;

(5) Determine the upset price or lease rental, based upon
the fair market value of the land employed to the
specific use or uses for which the disposition is
being made, with due consideration for all of the
terms and conditions of the disposition;

(6) Determine the necessary conditions of disposition
which will discourage speculation;

(7) In the case of leases, determine the minimum tenure
necessary to support the intended use or uses and the
necessity for periodic rent openings in long-term
leases to assure the State a fair return;

(8) Prepare the proposed documents and make them available
for public inspection; and

(9) Determine, two years before the expiration of the term
of any lease, whether the premises are to be demised
for the same use or uses under a new lease or whether
all or any part thereof is to be reserved for other
use or uses and then promptly notify the lessee of the
determination.

(b) Prior to the approval of any public land disposition,
the board of land and natural resources shall:

(1) Consider all alternative uses of the land and
alternatives available to the applicant;
(2) Examine comparable rents, uses, and areas, and the
   costs that the applicant may avoid by acquiring public
   land; and

(3) Determine whether the transfer, assignment, or sale of
   a lease or permit is prohibited.

(c) The board of land and natural resources shall not
   approve any public land disposition if:

(1) Approval of the disposition would adversely impact
   trails, historical sites, cultural sites, traditional
   practices, or natural resources;

(2) Approval of the disposition would impair public access
   to recreational areas; or

(3) The applicant has, within the past twenty years from
   the date of their application:

   (A) Violated any law related to land use,
       environmental protection, historic and cultural
       property or resources, civil rights, occupational
       safety, or labor;

   (B) Made false statements in any application seeking
       a land use entitlement; or
(C) Violated any agreement with a governmental agency."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

[Signatures]

[Signatures]
Report Title:
Public Land Dispositions; Board of Land and Natural Resources; Requirements; Restrictions

Description:
Requires that the board of land and natural resources make certain determinations before approving public land dispositions. Restricts the board of land and natural resources from approving the disposition of public lands under certain circumstances.

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