
A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

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

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

4 "(a) Upon the passage of this Act, all available lands
5 shall immediately assume the status of Hawaiian home lands and be
6 under the control of the department to be used and disposed of in
7 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 lands
14 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 the
19 department gives notice to the board that the

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

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

17 In the management of any retained available lands
18 not required for leasing under section 207(a), the
19 department may dispose of those lands or any
20 improvements thereon to the public, including native
21 Hawaiians, on the same terms, conditions, restrictions,
22 and uses applicable to the disposition of public lands
23 in chapter 171, Hawaii Revised Statutes; provided that

1 the department may not sell or dispose of such lands in
2 fee simple except as authorized under section 205 of
3 this Act; provided further that the department is
4 expressly authorized to negotiate, prior to
5 negotiations with the general public, the disposition
6 [of a lease] of Hawaiian home lands or any improvements
7 thereon to a native Hawaiian, or organization or
8 association owned or controlled by native Hawaiians,
9 for commercial, industrial, or other business purposes,
10 in accordance with the [procedure] procedures set forth
11 in [section 171-59, Hawaii Revised Statutes, subject to
12 the notice requirement of section 171-16(c), Hawaii
13 Revised Statutes, and the lease rental limitation
14 imposed by section 171-17(b),] chapter 171, Hawaii
15 Revised Statutes.

16 (3) The department, with the approval of the Secretary of
17 the Interior, in order to consolidate its holdings or
18 to better effectuate the purposes of this Act, may
19 exchange the title to available lands for land,
20 privately or publicly owned, of an equal value. All
21 lands so acquired by the department shall assume the
22 status of available lands as though the land were
23 originally designated as available lands under section

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

13 SECTION 2. Statutory material to be repealed is bracketed.
14 New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

APPROVED BY THE
GOVERNOR ON

MAY 22 2000