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:

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

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

(1) In case any available land is under lease by the Territory of Hawaii, by virtue of section 73 of the Hawaiian Organic Act, at the time of the passage of this Act, such land shall not assume the status of Hawaiian home lands until the lease expires or the board of land and natural resources withdraws the lands from the operation of the lease. If the land is covered by a lease containing a withdrawal clause, as provided in section 73(d) of the Hawaiian Organic Act, the board of land and natural resources shall withdraw such lands from the operation of the lease whenever the 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
the department may not sell or dispose of such lands in fee simple except as authorized under section 205 of this Act; provided further that the department is expressly authorized to negotiate, prior to negotiations with the general public, the disposition of a lease of Hawaiian home lands or any improvements thereon to a native Hawaiian, or organization or association owned or controlled by native Hawaiians, for commercial, industrial, or other business purposes, in accordance with the procedures set forth in [section 171-59, Hawaii Revised Statutes, subject to the notice requirement of section 171-16(c), Hawaii Revised Statutes, and the lease rental limitation imposed by section 171-17(b),] chapter 171, Hawaii Revised Statutes.

(3) The department, with the approval of the Secretary of the Interior, in order to consolidate its holdings or to better effectuate the purposes of this Act, may exchange the title to available lands for land, privately or publicly owned, of an equal value. All lands so acquired by the department shall assume the status of available lands as though the land were originally designated as available lands under section 2000-2135 SB2843 CD1 SMA-3.
203 of this Act, and all lands so conveyed by the
department shall assume the status of the land for
which it was exchanged. The limitations imposed by
section 73(1) of the Hawaiian Organic Act and the land
laws of Hawaii as to the area and value of land that
may be conveyed by way of exchange shall not apply to
exchanges made pursuant hereto. No such exchange of
land publicly owned by the State shall be made without
the approval of two-thirds of the members of the board
of land and natural resources. For the purposes of
this paragraph, lands "publicly owned" means land owned
by a county or the State or the United States."

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

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