

JAN 19 2007

A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. The legislature finds that there is an ever-
2 growing need to ensure that sufficient amounts of land are
3 available to accommodate the outdoor recreational and
4 educational needs of Hawai'i's people. Toward that end, our
5 State and counties have through various means acquired private
6 land in order to ensure that public recreational and educational
7 activities, often associated with lands containing important
8 cultural resources, will be accommodated throughout the State.

9 The legislature believes that this goal can be reached by
10 encouraging public or private initiatives, or both, and
11 facilitating the conversion of private land that is adjacent to
12 public land for public recreational and educational uses. These
13 conversions are considered to be of statewide concern and
14 interest and should not be subject to the counties' possible
15 actions or inactions that may frustrate this statewide concern
16 and intent.



1 The purpose of this Act is to exempt these conversions from
2 the requirements of certain laws that apply to other lands
3 within the State.

4 SECTION 2. Section 171-30, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§171-30 Acquisition of real property; general.** (a) The
7 board of land and natural resources shall have the exclusive
8 responsibility, except as provided herein, of acquiring,
9 including by way of dedications:

10 (1) All real property or any interest therein and the
11 improvements thereon, if any, required by the State
12 for public purposes, including real property together
13 with improvements, if any, in excess of that needed
14 for such public use in cases where small remnants
15 would otherwise be left or where other justifiable
16 cause necessitates the acquisition to protect and
17 preserve the contemplated improvements, or public
18 policy demands the acquisition in connection with such
19 improvements.

20 (2) Encumbrances, in the form of leases, licenses, or
21 otherwise on public lands, needed by any state



1 department or agency for public purposes or for the
2 disposition for houselots or for economic development.

3 The board shall upon the request of and with the funds from
4 the state department or agency effectuate all acquisitions as
5 provided under this section.

6 (b) Except as provided in subsection (c), the department
7 of accounting and general services shall be responsible for the
8 acquisition of any office space in a nonstate owned building for
9 use by a state department or agency.

10 (c) A state department or agency may directly acquire such
11 real property for its purposes whenever the acquisition by the
12 department or agency is required to conform to mandatory
13 requirements of the United States in the case where federal
14 funds are furnished to the department or agency.

15 (d) Property which may be acquired under this section
16 includes all real property together with all structures and
17 improvements thereon, franchises or appurtenances thereunto
18 belonging, water, water rights, easements, and interests in land
19 of every nature.

20 (e) The appraisal of private property to be acquired by
21 the State may be performed by not more than three disinterested
22 appraisers whose services shall be contracted for by the State,



1 and no land shall be purchased for a sum greater than the
2 highest value fixed by the appraiser or appraisals; provided
3 that the State, after review of the appraisals by the appraiser
4 or appraisers or the attorney general, may purchase the property
5 at a value greater than the highest value if the higher value is
6 determined by the appraiser or appraisers or the attorney
7 general to be justified and within the range of market value;
8 provided further that this limitation shall not apply where
9 acquisition is by condemnation. After the private property has
10 been acquired or the State abandons the acquisition, these
11 appraisal reports shall be available for inspection and copying
12 by the public.

13 (f) Private property that is adjacent to public land may
14 be acquired by the board by outright gift or otherwise. If the
15 private land is acquired by the board through gifting of the
16 land or by land exchange and is to be dedicated for public
17 recreational and educational uses in conjunction with adjoining
18 public land, the acquisition and subsequent use of the land for
19 recreational and educational purposes shall be considered to be
20 permitted uses and shall be exempt from the requirements of
21 chapters 205 and 205A, and section 46-4, Hawaii Revised



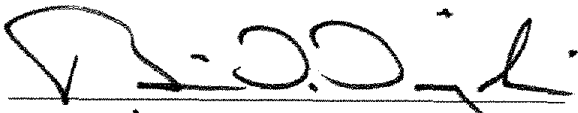
S.B. NO. 1024

1 Statutes, and any county subdivision regulations to the extent
2 that a county's authority might otherwise be applicable."

3 SECTION 3. New statutory material is underscored.

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

5

INTRODUCED BY: 
by request



Report Title:

Public Lands; Acquisitions

Description:

Exempts certain private property acquired by the board of land and natural resources through gift or exchange from the requirements of land use, coastal zone management and county zoning laws, and any county subdivision regulations.

