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 cultural resources, will be accommodated throughout the State. 8 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. 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

and intent.

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         The purpose of this Act is to exempt these conversions from
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    the requirements of certain laws that apply to other lands
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    within the State.
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         SECTION 2. Section 171-30, Hawaii Revised Statutes, is
    amended to read as follows:
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         "§171-30 Acquisition of real property; general. (a)
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    board of land and natural resources shall have the exclusive
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    responsibility, except as provided herein, of acquiring,
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    including by way of dedications:
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              All real property or any interest therein and the
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              improvements thereon, if any, required by the State
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              for public purposes, including real property together
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              with improvements, if any, in excess of that needed
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              for such public use in cases where small remnants
              would otherwise be left or where other justifiable
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              cause necessitates the acquisition to protect and
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              preserve the contemplated improvements, or public
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              policy demands the acquisition in connection with such
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              improvements.
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         (2)
              Encumbrances, in the form of leases, licenses, or
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              otherwise on public lands, needed by any state
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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 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 Property which may be acquired under this section (d) 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 The appraisal of private property to be acquired by 21 the State may be performed by not more than three disinterested

appraisers whose services shall be contracted for by the State,

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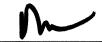
1 and no land shall be purchased for a sum greater than the 2 highest value fixed by the appraiser or appraisals; provided 3 that the State, after review of the appraisals by the appraiser 4 or appraisers or the attorney general, may purchase the property 5 at a value greater than the highest value if the higher value is 6 determined by the appraiser or appraisers or the attorney general to be justified and within the range of market value; 7 provided further that this limitation shall not apply where 8 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 chapters 205 and 205A, and section 46-4, Hawaii Revised 21

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- 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.

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INTRODUCED BY:



JAN 19 2007

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.