

JAN 19 2007

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# 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.

13           The purpose of this Act is to recognize that these  
14 conversions are considered to be of statewide concern and  
15 interest and should be made exempt from the requirements of  
16 certain laws that apply to other lands within the State.

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



1           "§171-30 Acquisition of real property; general. (a) The  
2 board of land and natural resources shall have the exclusive  
3 responsibility, except as provided herein, of acquiring,  
4 including by way of dedications:

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

15           (2) Encumbrances, in the form of leases, licenses, or  
16 otherwise on public lands, needed by any state  
17 department or agency for public purposes or for the  
18 disposition for houselots or for economic development.

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



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

5 (c) A state department or agency may directly acquire such  
6 real property for its purposes whenever the acquisition by the  
7 department or agency is required to conform to mandatory  
8 requirements of the United States in the case where federal  
9 funds are furnished to the department or agency.

10 (d) Property which may be acquired under this section  
11 includes all real property together with all structures and  
12 improvements thereon, franchises or appurtenances thereunto  
13 belonging, water, water rights, easements, and interests in land  
14 of every nature.

15 (e) The appraisal of private property to be acquired by  
16 the State may be performed by not more than three disinterested  
17 appraisers whose services shall be contracted for by the State,  
18 and no land shall be purchased for a sum greater than the  
19 highest value fixed by the appraiser or appraisals; provided  
20 that the State, after review of the appraisals by the appraiser  
21 or appraisers or the attorney general, may purchase the property  
22 at a value greater than the highest value if the higher value is



1 determined by the appraiser or appraisers or the attorney  
2 general to be justified and within the range of market value;  
3 provided further that this limitation shall not apply where  
4 acquisition is by condemnation. After the private property has  
5 been acquired or the State abandons the acquisition, these  
6 appraisal reports shall be available for inspection and copying  
7 by the public.

8 (f) Private property that is adjacent to public land may  
9 be acquired by the board by outright gift or otherwise. If the  
10 private land is acquired by the board through gifting of the  
11 land or by land exchange and is to be dedicated for public  
12 recreational and educational uses in conjunction with adjoining  
13 public land, the acquisition and subsequent use of the land for  
14 recreational and educational purposes shall be considered to be  
15 permitted uses and shall be exempt from the requirements of  
16 chapters 183C, 205, and 205A, and section 46-4, Hawaii Revised  
17 Statutes, and any county subdivision regulations."

18 SECTION 3. New statutory material is underscored.



# S.B. NO. 838

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

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INTRODUCED BY: Runees Kohli B/R



**THE SENATE** 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 conservation district, land use, coastal zone management and county zoning laws, and any county subdivision regulations.

