



GOV. MSG. NO. 1148

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

May 5, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on May 5, 2011, the following bill was signed into law:

HB270 SD1

RELATING TO THE COUNTIES
ACT 046 (11)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO THE COUNTIES.

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

1 SECTION 1. The purpose of this Act is to provide savings
2 in manpower, time, and costs to the counties and requestors of
3 easements by eliminating the public auction requirement in the
4 disposition of easements. The counties receive many requests in
5 which private property owners need easements for specific
6 purposes over county property. The requested easements benefit
7 only the property owners. However, because of the public
8 auction requirement, the counties are required to set up public
9 auctions even after obtaining county council approvals for the
10 easements. The elimination of the public auction requirement
11 will delete a timely, costly, and unnecessary process in the
12 granting of the easements. Conducting public auctions for
13 easements implies that the interests in the county property are
14 being offered on a fair and equal basis to the public. However,
15 an easement request over county property will generally only
16 benefit the requestor and will not have any detrimental impact
17 on other requestors because of the nonexclusivity of the
18 easements. Obtaining the prior approvals of the county council



1 for the easements at public hearings provides the public forum
2 and review of the easement grants. This Act does not affect
3 easements for any governmental or public utility purpose or for
4 chilled water and seawater distribution systems for renewable
5 energy seawater air conditioning district cooling systems, which
6 the counties will continue to grant, sell, or otherwise dispose
7 of by negotiation and without public auction.

8 SECTION 2. Section 46-66, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§46-66. **Disposition of real property.** Notwithstanding any
11 other law to the contrary, each county, subject to the approval
12 of the council, may grant, sell, or otherwise dispose of any
13 easement [~~7~~] for particular purposes in perpetuity by direct
14 negotiation or otherwise, subject to reverter to the county upon
15 the termination or abandonment of the specific purpose for which
16 the easement was granted, including easements over, under,
17 through, and across land bordering the ocean~~[, at public~~
18 ~~auction; provided that any easement]~~ and easements for any
19 governmental or public utility purpose or for chilled water and
20 seawater distribution systems for renewable energy seawater air
21 conditioning district cooling systems [~~may be granted, sold, or~~
22 ~~otherwise disposed of by negotiation without public auction]~~."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

APPROVED this 5th day of May, 2011

Neil Abernethy

GOVERNOR OF THE STATE OF HAWAII

