

MAR 16 2011

SENATE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO WITHDRAW CERTAIN EXECUTIVE ORDERS SETTING
ASIDE PUBLIC LANDS WHERE THE RECEIVING AGENCY HAS FAILED TO
USE OR HAS UNDERUTILIZED THE LANDS FOR THE PURPOSE
SPECIFIED.

1 WHEREAS, pursuant to section 171-11, Hawaii Revised
2 Statutes, the Governor may, with the prior approval of the Board
3 of Land and Natural Resources, set aside public lands to any
4 department or agency of the State or its political subdivisions
5 ("Receiving Agency") for public use or purpose; and
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7 WHEREAS, section 171-11, Hawaii Revised Statutes, also
8 provides that whenever land set aside for a public purpose to a
9 Receiving Agency is not being fully utilized or required for the
10 stated public purpose, the order setting aside the land shall be
11 withdrawn and the lands shall be returned to the Department of
12 Land and Natural Resources; and
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14 WHEREAS, the Governor may also withdraw public lands and,
15 with the prior approval of the Board of Land and Natural
16 Resources, set aside the withdrawn lands to another Receiving
17 Agency or to the United States; provided that no structure on
18 such lands shall be built, demolished, or altered until after
19 the legislative action or inaction as described in section
20 171-11, Hawaii Revised Statutes; and
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22 WHEREAS, many of the Governor's executive orders setting
23 aside public lands provide that in the event of the non-use or
24 abandonment of the land or any portion thereof for a continuous
25 period of one year, the Receiving Agency shall, within a
26 reasonable time, restore the premises to a condition that is
27 satisfactory and acceptable to the Department of Land and
28 Natural Resources, and return the land or portions thereof back
29 to the inventory of the Department of Land and Natural
30 Resources; and
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1 WHEREAS, in a number of cases, the Receiving Agency has
2 failed to use or has underutilized public lands set aside by
3 executive order for the purpose specified in the executive order
4 for periods of more than one year; and

5
6 WHEREAS, the recession of 2008 swept across the nation and
7 many parts of the world with unanticipated force and brought
8 with it enormous challenges for governments at all levels, with
9 effects on businesses and employment that are still being felt
10 today, including a profound impact on Hawaii's tax revenues and
11 state budget; and

12
13 WHEREAS, the Legislature finds that due to the
14 extraordinary fiscal circumstances the State is facing, set-
15 asides of public lands must be re-evaluated to ensure that such
16 lands are being fully utilized, and that any unused or
17 underutilized lands are put into productive use wherever
18 possible; now, therefore,

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20 BE IT RESOLVED by the Senate of the Twenty-sixth
21 Legislature of the State of Hawaii, Regular Session of 2011, the
22 House of Representatives concurring, that the Governor is urged
23 to withdraw the following executive orders that set aside public
24 land to various departments of the State, Hawaii National Guard,
25 or County of Hawaii and return the public land to the inventory
26 of the Department of Land and Natural Resources:

- 27
28 (1) Executive Order No. 614, and that 5.970 acres in Olaa
29 Village, Keaau, Puna, Hawaii, currently set aside to
30 the Department of Education;
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32 (2) Executive Order No. 1110, and that 4.0 acres in Olaa
33 Village, Puna, Hawaii, currently set aside to the
34 Hawaii National Guard;
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36 (3) Executive Order No. 1426, and that 492.5 acres in
37 Waiakea, South Hilo, Hawaii, currently set aside to
38 the Department of Public Safety;
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40 (4) Executive Order No. 1623, and that 5,810 square feet
41 in Holualoa, North Kona, Hawaii, currently set aside
42 to the County of Hawaii;
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- 1 (5) Executive Order No. 2371, and that 2.392 acres in
2 Honokaa, Hawaii, currently set aside to the Department
3 of Accounting and General Services;
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- 5 (6) Executive Order No. 2748, and that 0.75 acres in
6 Waimea, South Kohala, Hawaii, currently set aside to
7 the County of Hawaii; and
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- 9 (7) Executive Order No. 3074, and that 4,204.1 acres in
10 Keahole, North Kona, Hawaii, currently set aside to
11 the Department of Transportation; and
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13 BE IT FURTHER RESOLVED that in cases where a Receiving
14 Agency that is identified above requires public land for its
15 operations but does not require the full amount of land set
16 aside to it by the applicable executive order listed above, the
17 agency may apply to the Department of Land and Natural Resources
18 for an executive order covering a land area that is adequate to
19 meet its needs; and
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21 BE IT FURTHER RESOLVED that the Department of Land and
22 Natural Resources initiate a further review and assessment of
23 existing executive orders to determine whether the Receiving
24 Agencies are fully utilizing the lands set aside to them; and
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26 BE IT FURTHER RESOLVED that the Department of Land and
27 Natural Resources report its findings and recommendations to the
28 Legislature no later than twenty days prior to the Regular
29 Session of 2012; and
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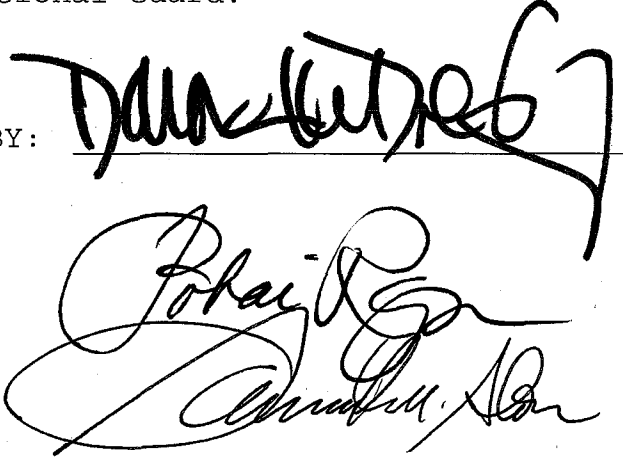
31 BE IT FURTHER RESOLVED that the Department of Land and
32 Natural Resources examine the development potential for any
33 public land returned to its inventory as a result of the
34 withdrawal of the executive orders listed above; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor,
3 Chairperson of the Board of Land and Natural Resources,
4 Chairperson of the Board of Education, Director of Public
5 Safety, Comptroller, Director of Transportation, Mayor of the
6 County of Hawaii, and Hawaii National Guard.

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OFFERED BY:

The image shows three handwritten signatures in black ink. The top signature is the most prominent and appears to be 'Dan K. Hironaka'. Below it are two other signatures, one of which is partially obscured by the first signature's tail. The signatures are written over a horizontal line.