



GOV. MSG. NO. 1341

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 11, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

Re: HB2604 HD1 SD1 CD1

HB2604 HD1 SD1 CD1, entitled "A BILL FOR AN ACT RELATING TO THE ACQUISITION OF REAL PROPERTY" will become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to resolve the disputed ownership of certain roads in the Kakaako Community Development District. This bill will amend Section 171-30, Hawaii Revised Statutes (HRS) to clarify that dedication of land by a private owner is sufficient to convey title to the state. Queen Street was dedicated to the territory in 1905 and the territorial legislature accepted the dedication but there is no deed or other document that contains an accurate description of exactly what was dedicated.

There is concern that these changes will bring inconsistencies with other provisions of Chapter 171, HRS, which excludes lands being used as roads and streets from the definition of public lands under the jurisdiction of the Board of Land and Natural Resources (Board). The Board has no road maintenance crews or equipment as there are no roads currently under the Board's jurisdiction. Ultimately, the Board might have to close these roads to the public and determine whether a disposition of the land would be suitable, such as for an easement or lease to private entities who could operate them and be responsible for the maintenance.

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Finally, it could be argued that this bill becoming law would imply that Queen Street is not already a government road and compensation would be owed. As it stands now, the Attorney General believes it is clear that Queen Street is a city street pursuant to section 264-1, HRS.

For the foregoing reasons, HB2604 HD1 SD1 CD1 will become law as ACT 232 (16), Session Laws of Hawaii 2016, effective July 11, 2016, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

DAVID Y. IGE

Governor, State of Hawaii

Governor's signature JUL 11 2016
HOUSE OF REPRESENTATIVES
TWENTY-EIGHTH LEGISLATURE, 2016
STATE OF HAWAII

ACT 232
H.B. NO. 2604
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE ACQUISITION OF REAL PROPERTY.

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

1 SECTION 1. Section 171-30, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The board of land and natural resources shall have
4 the exclusive responsibility, except as provided herein, of
5 acquiring, including by way of dedications:

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

16 (2) Encumbrances, in the form of leases, licenses, or
17 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 The acceptance by the territorial legislature or the
7 legislature of a dedication of land in the Kakaako community
8 development district by a private owner is sufficient to convey
9 title to the State."

10 SECTION 2. New statutory material is underscored.

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

APPROVED this day of , 2016

GOVERNOR OF THE STATE OF HAWAII

