

ACT 15

An Act Relating to Public Lands Amending, Re-enacting and Ratifying Act 40 and Joint Resolution 21 of the 30th Territorial Legislative Session of 1959.

WHEREAS, section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest; and

WHEREAS, said section further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house; and

WHEREAS, it is the intention of the legislature to enact this as an urgency measure pursuant to said section 11 of Article III; now, therefore,

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest. Said section 11 further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house. Pursuant to said section 11 of Article III of the Constitution of the State of Hawaii, this act is hereby declared to be an urgency measure deemed necessary in the public interest. The following is a statement of facts constituting such urgency:

This Act is to amend and as amended to re-enact and ratify and confirm Act 40 and J. R. 21 of the 30th Territorial Legislative Session.

It is to the economic and social interest of the State of Hawaii to preserve and promote the diversified agricultural industry. This purpose can be best accomplished by the utilization of certain state lands which are suited for diversified agriculture. Current programs of the Office of Commissioner of Public Lands and its successor Department of Land and Natural Resources include the improvement and development of certain state lands for these purposes. Said lands will be improved and ready for use by qualified farmers before the next session of the Legislature of the State of Hawaii. With the tremendous increases in population and urban pressures, it is essential that the state maintain current

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level of agricultural production and increase such level whenever possible. It is also in the interest of the people that state lands not be used for speculative purposes.

The re-enacted Act and Joint Resolution will allow the development of state lands by methods and at prices which will most effectively promote the economic and social interests of the people and of the diversified agricultural industry and at the same time, prevent speculation.

SECTION 2. Act 40 and J. R. 21 of the 30th Territorial Legislative Session of 1959 are hereby amended by deleting the words "land commissioner", "commissioner of public lands" or "public lands commissioner" wherever they appear in said Act and Joint Resolution and insert in lieu thereof, the words "department of land and natural resources" and that said Act 40 and J. R. 21, as so amended, are hereby re-enacted, ratified and confirmed, and made a part of the laws of the State of Hawaii.

SECTION 3. Any other provision of law to the contrary notwithstanding, if a purchaser or lessee of any public land acquired under the provisions of this Act should subdivide, develop or utilize such lands for a use other than the purpose for which such lands were issued, the State may re-acquire the right, title and interest in and to such land by the payment to the purchaser or lessee a fair market value of the land and improvements thereon but excluding the value of the crops thereon, as of the date of such re-acquisition, which fair market value shall be based upon the agricultural use of such land.

SECTION 4. The aforementioned fair market value shall be determined by two (2) independent appraisers, one of whom shall be selected by the purchaser or lessee and the other by the State; provided, however, should the appraisers fail to agree upon a fair market value, then the determination of fair market value shall be made by arbitration as provided for under Chapter 188, Revised Laws of Hawaii 1955, as amended from time to time. Each party selecting an appraiser shall pay for the cost of such appraisal. Should there be a third appraiser selected, then, the State and the purchaser or lessee shall bear the cost of such third appraisal equally.

SECTION 5. Any other law in conflict in whole or in part with this Act is hereby amended and repealed to conform hereto.

SECTION 6. If any section or provision of this Act shall be deemed invalid, such invalidity shall not affect the remaining sections or provisions of this Act.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 10, 1960.) **S.B. 241.**
