

## ACT 19

A Bill for An Act to Make Public Lands Available to Persons Dispossessed or Displaced as a Consequence of Any Natural Disaster.

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

**SECTION 1. Purpose:** 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 fact constituting such urgency:

Many times in the past and also at the present time, citizens of Hawaii have been displaced or dispossessed as a consequence of a natural disaster such as tidal waves, earthquakes, landslides, hurricanes, or volcanic eruptions or by reason of major improvements instituted by the state, its political subdivisions or federal, state or county agency. Since it is of the utmost importance to the economic stability of the state that such persons be relocated as much as possible as a group in the area or its immediate vicinity from which they are dislocated, immediate relief for such persons should be provided.

**SECTION 2.** For a period of one year from the effective date of this Act the department of land and natural resources is hereby authorized to dispose of by sale, lease, or lease with option to purchase state lands through drawing by lots and without recourse to public auction to persons dispossessed or displaced as a result of a natural disaster, such as volcanic eruption, under the following terms and conditions:

1. The department of land and natural resources shall do the subdividing and improvement of such lands to be disposed of, including roads; and

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2. Such lands shall be sold at fair market value or leased at fair market lease rental, as determined by not more than three independent appraisals, which appraisals shall be based on the land as improved as aforesaid; and

3. Any instrument of conveyance or lease shall contain as well as the usual terms, the following:

(a) Such land shall be used only for residential purposes for a period of ten (10) years following the date of such conveyance or lease, in the event this provision is violated, such land shall automatically revert to the state and any monies paid therefor shall be forfeited as the reasonable value of rent for such land; and

(b) Should the purchaser or lessee decide to sell, lease or sublease the land within a period of ten (10) years from the date of sale or lease from the state, then, the state shall have the first option to re-purchase the interest of the purchaser or lessee at fair market value.

4. The size of any lot sold under the provisions of this Act shall not exceed two acres.

SECTION 3. For the purposes of this Act a person dispossessed or displaced by natural disaster shall mean:

1. Any owner of land in possession and lessee or tenant of land in possession, who have used the property for residence purpose immediately prior to the date such property was destroyed by natural disaster, and such property so destroyed shall be deemed unfit for residence purpose, may purchase or lease public lands under the provisions of this Act; and

2. The owner of land in possession and lessee or tenant of land in possession whose property was destroyed by natural disaster no longer than two (2) years prior to the effective date of this Act or no later than one (1) year after the effective date of this Act.

A person eligible under this Act shall have the right to draw one lot for his property destroyed by natural disaster.

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

(Approved May 10, 1960.) **H.B. 25.**

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