

ACT 20

A Bill for an Act Relating to Act 195, Session Laws of Hawaii 1965, and Amending Item 29 of Subsection D of Section 1.

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

SECTION 1. Purpose. The language of the rider to item 29, subsection D, section 1 of Act 195, Session Laws of Hawaii 1965, authorizes the expenditure of \$1,800,000 from special funds for the "Purchase of land and improvements situated within the area bounded by Ala Moana boulevard, Richards Street, Halekauwila Street and Kakaako Street." This language was inadvertently made too restrictive in that only the word "purchase" was used and that word may not

include condemnation. It was also too restrictive in that no mention was made of the intended exchange of the lands so acquired for lands owned by the federal government and needed by the department of transportation for the construction of a portion of Ala Moana boulevard. Although the weight of authority indicates that such exchanges can be made, express language authorizing this could resolve any possible problems.

The purpose of this Act is to clarify the intent of the rider and to eliminate some of the problems attendant to the exchange by stating clearly that the acquisition of the private lands may be by eminent domain or otherwise and that the lands so acquired may be exchanged with the United States for the necessary federal lands.

SECTION 2. Item 29 of subsection D of section 1 of Act 195, Session Laws of Hawaii 1965, is hereby amended by adding thereto the following:

“The department may acquire private land within this area either by condemnation or otherwise for the purpose of exchanging such land with the United States for those lands needed by said department for the realignment and construction of that portion of the Ala Moana boulevard which lies between Kakaako Street and Richards Street.”

SECTION 3. This Act shall take effect upon its approval.
(Approved April 5, 1966.) **H.B. 211.**