

ACT 255

H.B. NO. 4074

A Bill for an Act Relating to Land Exchange.

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

SECTION 1. The legislature finds that it is in the public interest to enter into a land exchange with the George Galbraith Estate involving private lands north of Wahiawa, Oahu, for public lands. The purpose of this land exchange is to provide the State with additional agricultural lands in central Oahu.

SECTION 2. The board of land and natural resources may enter into negotiations for a land exchange with the George Galbraith Estate which will enable the State to acquire private lands north of Wahiawa, Oahu, in exchange for conveying public lands; provided that:

- (1) In determining the "fair market" value of the private land, the private land shall be appraised as agricultural;
- (2) The "fair market" value of the private land and the public land shall be separately determined by a disinterested qualified appraiser or appraisers, and the cost shall be borne equally between the owner and the board of land and natural resources;
- (3) No payment by the State shall be required should the private land exceed the value of the public land, but any difference in value of the public land over the private land shall be paid to the State at the time of the exchange; provided that no exchange shall be made should the value of the public land exceed one hundred twenty per cent of the value of the private land; and
- (4) No land exchange shall be consummated if the private land is included as part of a site listed on the National Priorities List (NPL) pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986.

SECTION 3. The eighteenth legislature authorizes the board of land and natural resources to enter into land exchange negotiations for private lands in Wahiawa, Oahu, owned by the George Galbraith Estate.

The board of land and natural resources and the department of health shall submit a report to the legislature not later than twenty days prior to the convening of the 1997 regular session which shall include the following:

- (1) The location and area of the parcels of land to be exchanged;
- (2) The value of the lands to be conveyed by the State and the George Galbraith Estate;
- (3) The name or names of the appraiser or appraisers involved;

- (4) The date of the appraisal or appraisals which shall not be more than six months prior to the date of final approval of the exchange by the board of land and natural resources;
- (5) Whether or not the land or lands to be conveyed by the State are ceded lands; and
- (6) An update on the Environmental Protection Agency's and Department of Health's efforts to remove the Galbraith lands from the NPL pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986.

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

(Approved June 18, 1996.)