

ACT 46

H.B. NO. 270

A Bill for an Act Relating to the Counties.

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

SECTION 1. The purpose of this Act is to provide savings in manpower, time, and costs to the counties and requestors of easements by eliminating the public auction requirement in the disposition of easements. The counties receive many requests in which private property owners need easements for specific purposes over county property. The requested easements benefit only the property owners. However, because of the public auction requirement, the counties are required to set up public auctions even after obtaining county council approvals for the easements. The elimination of the public auction requirement will delete a timely, costly, and unnecessary process in the granting of the easements. Conducting public auctions for easements implies that the interests in the county property are being offered on a fair and equal basis to the public. However, an easement request over county property will generally only benefit the requestor and will not have any detrimental impact on other requestors because of the nonexclusivity of the easements. Obtaining the prior approvals of the county council for the easements at public hearings provides the public forum and review of the easement grants. This Act does not affect easements for any governmental or public utility purpose or for chilled water and seawater distribution systems for renewable energy seawater air conditioning district cooling systems, which the counties will continue to grant, sell, or otherwise dispose of by negotiation and without public auction.

SECTION 2. Section 46-66, Hawaii Revised Statutes, is amended to read as follows:

“§46-66 Disposition of real property. Notwithstanding any other law to the contrary, each county, subject to the approval of the council, may grant, sell, or otherwise dispose of any easement~~[,]~~ for particular purposes in perpetuity by direct negotiation or otherwise, subject to reverter to the county upon the termination or abandonment of the specific purpose for which the easement was granted, including easements over, under, through, and across land bordering the ocean~~[, at public auction; provided that any easement]~~ and easements for any governmental or public utility purpose or for chilled water and seawater distribution systems for renewable energy seawater air conditioning district cooling systems ~~[may be granted, sold, or otherwise disposed of by negotiation without public auction].”~~

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved May 5, 2011.)