

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to exempt the  
2 department of transportation from board of land and natural  
3 resources' requirements for real property acquisition to  
4 expedite department of transportation projects.

5           SECTION 2. Section 171-30, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "§171-30 Acquisition of real property; general. (a) The  
8 board of land and natural resources shall have the exclusive  
9 responsibility, except as provided herein, of acquiring,  
10 including by way of dedications:

11           (1) All real property or any interest therein and the  
12 improvements thereon, if any, required by the State  
13 for public purposes, including real property together  
14 with improvements, if any, in excess of that needed  
15 for such public use in cases where small remnants  
16 would otherwise be left or where other justifiable  
17 cause necessitates the acquisition to protect and



1           preserve the contemplated improvements, or public  
2           policy demands the acquisition in connection with such  
3           improvements.

4           (2) Encumbrances, in the form of leases, licenses, or  
5           otherwise on public lands, needed by any state  
6           department or agency for public purposes or for the  
7           disposition for houselots or for economic development.

8           The board shall upon the request of and with the funds from  
9           the state department or agency effectuate all acquisitions as  
10          provided under this section.

11          The acceptance by the territorial legislature or the  
12          legislature of a dedication of land in the Kakaako community  
13          development district by a private owner is sufficient to convey  
14          title to the State.

15          (b) Except as provided in subsection (c), the department  
16          of accounting and general services shall be responsible for the  
17          acquisition of any office space in a nonstate owned building for  
18          use by a state department or agency.

19          (c) A state department or agency may directly acquire such  
20          real property for its purposes whenever the acquisition by the  
21          department or agency is required to conform to mandatory



1 requirements of the United States in the case where federal  
2 funds are furnished to the department or agency.

3 (d) Property which may be acquired under this section  
4 includes all real property together with all structures and  
5 improvements thereon, franchises or appurtenances thereunto  
6 belonging, water, water rights, easements, and interests in land  
7 of every nature.

8 (e) The appraisal of private property to be acquired by  
9 the State may be performed by not more than three disinterested  
10 appraisers whose services shall be contracted for by the State,  
11 and no land shall be purchased for a sum greater than the  
12 highest value fixed by the appraiser or appraisals; provided  
13 that the State, after review of the appraisals by the appraiser  
14 or appraisers or the attorney general, may purchase the property  
15 at a value greater than the highest value if the higher value is  
16 determined by the appraiser or appraisers or the attorney  
17 general to be justified and within the range of market value;  
18 provided further that this limitation shall not apply where  
19 acquisition is by condemnation. After the private property has  
20 been acquired or the State abandons the acquisition, these



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1 appraisal reports shall be available for inspection and copying  
2 by the public.

3 (f) This section shall not apply to acquisitions of real  
4 property or any interest therein and the improvements thereon  
5 approved by the director of transportation for public highway  
6 purposes."

7 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: *Marisa R. Brown*

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# S.B. NO. 406

**Report Title:**

Department of Transportation; Board of Land and Natural Resources; Land Acquisitions; Exemptions

**Description:**

Exempts the department of transportation from board of land and natural resources approval for acquisition of property that will be used for highway purposes.

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