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# A BILL FOR AN ACT

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RELATING TO EASEMENTS.

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

1       SECTION 1. The legislature finds that public agencies in  
2 the State frequently encounter challenges in obtaining various  
3 types of easements on public lands due to a requirement that  
4 obtaining an easement also requires a formal subdivision  
5 approval from the counties. The legislature further finds that  
6 the formal subdivision process requires a significant investment  
7 of time and resources, such as the hiring of a professional land  
8 surveyor to prepare a map and metes and bounds descriptions of  
9 the easement corridor, and can hinder progress in certain public  
10 projects that could proceed but for resolution of the easement  
11 issue. One example of this issue was raised by the Act 90  
12 working group, which was established to determine the process,  
13 status, challenges, and potential remedies regarding delays in  
14 the transfer of certain non-agricultural park lands and assets  
15 related to their management from the department of land and  
16 natural resources to the department of agriculture. The Act 90  
17 working group found that fifteen parcels would be considered



1 eligible for transfer if an easement were provided to allow  
2 access to an adjacent parcel. The legislature additionally  
3 finds that this issue, although raised by the Act 90 working  
4 group, is not unique to non-agricultural park lands and should  
5 be resolved to potentially benefit a much larger scope of public  
6 lands.

7 The legislature concludes that the process of granting  
8 easements on public lands would be simpler and more efficient if  
9 the process did not also require approval of a formal  
10 subdivision nor its related requirements, such as requirements  
11 for professional surveying. The legislature believes that this  
12 amendment to the process of obtaining easements on public lands  
13 would serve a greater public purpose and is appropriate, as  
14 easements are use rights rather than land development rights.

15 The purpose of this Act is to allow an exemption for the  
16 granting of easements on public lands from formal subdivision  
17 process and approval requirements, including requirements for  
18 surveying and formalizing easements.

19 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
20 by adding a new section to be appropriately designated and to  
21 read as follows:



1        **"§46-        Easements; formal subdivision process and**  
2 **approval exemption.** Notwithstanding any provision of law to the  
3 contrary, the granting of easements on public lands may be  
4 exempt from formal subdivision process and approval  
5 requirements, including requirements for surveying and  
6 formalizing easements. The government agency that grants the  
7 easements may notify in writing the county with jurisdiction  
8 to process and approve the easements of the government  
9 agency's intent to invoke this exemption."

10        SECTION 3. Section 46-66, Hawaii Revised Statutes, is  
11 amended to read as follows:

12        **"§46-66 Disposition of real property.** Notwithstanding any  
13 other law to the contrary[7] and except as provided in section  
14 46-        , each county, subject to the approval of the council, may  
15 grant, sell, or otherwise dispose of any easement for particular  
16 purposes in perpetuity by direct negotiation or otherwise,  
17 subject to reverter to the county upon the termination or  
18 abandonment of the specific purpose for which the easement was  
19 granted, including easements over, under, through, and across  
20 land bordering the ocean and easements for any governmental or  
21 public utility purpose or for chilled water and seawater



1 distribution systems for renewable energy seawater air  
2 conditioning district cooling systems."

3 SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.

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# H.B. NO. 2332 H.D. 1

**Report Title:**

Easements; Public Lands; Subdivision Process and Approval  
Exemption; Counties

**Description:**

Allows the granting of easements on public lands to be exempted from formal subdivision process and approval requirements, including requirements for surveying and formalizing easements. Effective 7/1/2050. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

