

ACT 27

H.B. NO. 83

A Bill for an Act Relating to a Land Exchange Between the State of Hawaii and the Aloha Council Boy Scouts of America.

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

SECTION 1. The legislature finds that it is in the public interest for the State of Hawaii to enter into a land exchange with the Aloha Council Boy Scouts of America involving private lands located at Waikele, Oahu, and identified as tax map key: (1) 9-4-166:24, 25, and 26.

The Aloha Council Boy Scouts of America have proposed to exchange these private lands for: the 64.8 acre property at Pupukea, Oahu, known as Camp Pupukea and identified as tax map key: (1) 5-9-05:02 and 77; the 29 acre property at Waimea, Kauai, known as Camp Alan Faye and identified as tax map key: (4) 1-4-01:15; and the 238 acre property at Honokaia, Hawaii, known as Camp Honokaia and identified as tax map key: (3) 4-6-011:40. All three of these state-owned properties are currently under long-term leases to the Aloha Council Boy Scouts of America at nominal rent.

This land exchange, which has not yet been consummated, is consistent with the State's desire to generate revenues for public land trust purposes.

The purpose of this Act is to authorize the exchange of private lands in Waikele, Oahu, for public lands located on the islands of Oahu, Kauai, and Hawaii, notwithstanding the provisions of section 171-50(c), Hawaii Revised Statutes.

SECTION 2. By appraisal report dated December 23, 2002, John Child & Company determined that the value of the public land to be exchanged is \$1,150,000. By appraisal report dated October 11, 2002, The Hallstrom Appraisal Group determined that the value of the private land to be exchanged is \$1,209,000. In accordance with section 171-50(b), Hawaii Revised Statutes:

- (1) The public lands to be exchanged are of substantially equal value to that of the private lands;
- (2) The fair market value of the private lands and the public lands were separately determined by disinterested qualified appraisers;
- (3) No payment by the State will be made for the excess value of the private lands over the value of the public lands; and
- (4) The value of the public lands does not exceed one hundred twenty per cent of the value of the private lands.

SECTION 3. Notwithstanding section 171-50(c), Hawaii Revised Statutes, which provides for legislative disapproval of the land exchanges that have already been consummated, the legislature approves the land exchange between the State of Hawaii and the Aloha Council Boy Scouts of America involving private lands at Waikele, Oahu, identified as tax map key: (1) 9-4-166:24, 25, and 26; and public lands identified by tax map keys: (1) 5-9-05:02 and 77, (4) 1-4-01:15, and (3) 4-6-011:40; provided the following conditions are met:

- (1) An exchange deed shall be executed between the parties and contain the following information:
 - (A) The location and area of the parcels of land to be exchanged;
 - (B) The value of the lands to be conveyed by the State and the Aloha Council Boy Scouts of America;
 - (C) The name or names of the appraiser or appraisers involved; and
 - (D) The date of the appraisal or appraisals, which shall not be more than six months prior to the date of the final approval of the land exchange by the board of land and natural resources;
- (2) All of the right, title, and interest in the property located at Waikele, Oahu, obtained from the Aloha Council Boy Scouts of America shall be conveyed in fee simple by deed to the State of Hawaii; and
- (3) The lands transferred to the State by the Aloha Council Boy Scouts of America under this Act shall assume the same public land trust status as designated under section 5 of the Admission Act as the lands transferred to the Aloha Council Boy Scouts of America by the State.

SECTION 4. This Act shall take effect upon its approval; provided that the authority granted to enter into a land exchange agreement by this Act shall be repealed on June 30, 2006.

(Approved April 22, 2003.)