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HB 2017 HD 2 RELATING TO PUBLIC LANDS

Statement for
Senate Committee on
Housing, Hawaiian Programs and Natural Resources
Public Hearing - March 15, 1988

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HB 2017 HD 2 would add to the existing statutes pertinent to the management and disposition of public lands, the provision to acquire title or long term use of lands of special natural value for the purpose of land banking. It also establishes permitted uses of lands and sets forth lease agreement conditions. We support the intent of HB 2017 HD 2 but we do have two concerns with the present language that we believe need to be considered.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

HB 2017 HD 2 incorporates most of the language proposed in the earlier version of this bill and we are in support of its intent. However, the language applicable to the acquisition of land for exchange purposes remains an area of concern. We again call attention to what we believe may be an unintentional inconsistency in the statute as drafted. Approval by both the governor and the legislature is required for any lease, commercial use, or exchange of land acquired under this program. However, legislative and gubernatorial review are not required for the acquisition of lands for exchange purposes. As presently drafted, the office could acquire any lands for exchange purposes, regardless of their value, without the concurrence of the legislature or the governor. It seems illogical to require gubernatorial and legislative approval for use of lands for exchange but not for acquisition of such lands. To insure broader evaluation of lands to be acquired for exchange purposes we suggest that HB 2017 HD 2, page 4, paragraph (c)(1) be amended to read:

(1) May be exchanged for other lands which may be of value in the future, provided that any such acquisition or exchange must have the prior approval of the Governor and the prior authorization of the legislature by concurrent resolution.

The provision on page 5 paragraph (3) would permit temporary leasing of lands acquired under this chapter for commercial, industrial, or agricultural uses. It is not obvious how use for industrial purposes is compatible with lands acquired because of their recreational, scenic, historic, cultural, geologic, environmental, or hydrologic values. We suggest that this provision be restricted to lands acquired for exchange purposes.

We appreciate the opportunity to provide our comments and your consideration of the issues we have raised.
