
SENATE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO WITHDRAW CERTAIN EXECUTIVE ORDERS SETTING ASIDE PUBLIC LANDS WHERE THE RECEIVING AGENCY HAS FAILED TO USE OR HAS UNDERUTILIZED THE LANDS FOR THE PURPOSE SPECIFIED.

1 WHEREAS, pursuant to section 171-11, Hawaii Revised
2 Statutes, the Governor may, with the prior approval of the Board
3 of Land and Natural Resources, set aside public lands to any
4 department or agency of the State or its political subdivisions
5 ("Receiving Agency") for public use or purpose; and
6

7 WHEREAS, section 171-11, Hawaii Revised Statutes, also
8 provides that whenever land set aside for a public purpose to a
9 Receiving Agency is not being fully utilized or required for the
10 stated public purpose, the order setting aside the land shall be
11 withdrawn and the lands shall be returned to the Department of
12 Land and Natural Resources; and
13

14 WHEREAS, the Governor may also withdraw public lands and,
15 with the prior approval of the Board of Land and Natural
16 Resources, set aside the withdrawn lands to another Receiving
17 Agency or to the United States; provided that no structure on
18 such lands shall be built, demolished, or altered until after
19 the legislative action or inaction as described in section
20 171-11, Hawaii Revised Statutes; and
21

22 WHEREAS, many of the Governor's executive orders setting
23 aside public lands provide that in the event of the non-use or
24 abandonment of the land or any portion thereof for a continuous
25 period of one year, the Receiving Agency shall, within a
26 reasonable time, restore the premises to a condition that is
27 satisfactory and acceptable to the Department of Land and
28 Natural Resources, and return the land or portions thereof back
29 to the inventory of the Department of Land and Natural
30 Resources; and
31



1 WHEREAS, in a number of cases, the Receiving Agency has
2 failed to use or has underutilized public lands set aside by
3 executive order for the purpose specified in the executive order
4 for periods of more than one year; and
5

6 WHEREAS, the recession of 2008 swept across the nation and
7 many parts of the world with unanticipated force and brought
8 with it enormous challenges for governments at all levels, with
9 effects on businesses and employment that are still being felt
10 today, including a profound impact on Hawaii's tax revenues and
11 state budget; and
12

13 WHEREAS, the Legislature finds that due to the
14 extraordinary fiscal circumstances the State is facing,
15 set-asides of public lands must be re-evaluated to ensure that
16 such lands are being fully utilized, and that any unused or
17 underutilized lands are put into productive use wherever
18 possible; now, therefore,
19

20 BE IT RESOLVED by the Senate of the Twenty-sixth
21 Legislature of the State of Hawaii, Regular Session of 2011, the
22 House of Representatives concurring, that the Governor is urged
23 to withdraw:
24

25 (1) Executive Order No. 614, setting aside land in Olaa
26 Village, Keaau, Puna, Hawaii to the Department of
27 Education, and to return 5.970 acres of the land
28 subject to this executive order to the inventory of
29 the Department of Land and Natural Resources;
30

31 (2) Executive Order No. 1110, setting aside land in Olaa,
32 Puna, Hawaii, to the Hawaii National Guard, and to
33 return 4.000 acres of the land subject to this
34 executive order to the inventory of the Department of
35 Land and Natural Resources;
36

37 (3) Executive Order No. 1426, setting aside land in
38 Waiakea, South Hilo, Hawaii, to the Department of
39 Public Safety, and to return 492.500 acres of land
40 subject to this executive order to the inventory of
41 the Department of Land and Natural Resources;
42

43 (4) Executive Order No. 1623, setting aside land in
44 Holualoa, North Kona, Hawaii, to the County of Hawaii,



- 1 and to return 0.133 acres of land subject to this
2 executive order to the inventory of the Department of
3 Land and Natural Resources;
4
- 5 (5) Executive Order No. 2371, setting aside land in
6 Honokaa, Hawaii, to the Department of Accounting and
7 General Services, and to return 2.392 acres of land
8 subject to this executive order to the inventory of
9 the Department of Land and Natural Resources;
10
- 11 (6) Executive Order No. 2748, setting aside land in
12 Waimea, South Kohala, Hawaii, to the County of Hawaii,
13 and to return 0.750 acres of land subject to this
14 executive order to the inventory of the Department of
15 Land and Natural Resources;
16
- 17 (7) Executive Order No. 3074, setting aside land in
18 Keahole, North Kona, Hawaii, to the Department of
19 Transportation, and to return 4,000.000 acres of land
20 subject to this executive order to the inventory of
21 the Department of Land and Natural Resources;
22
- 23 (8) Executive Order No. 2903, setting aside land in
24 Iwilei, Honolulu, Oahu, to the Department of
25 Transportation, and to return 0.344 acres of land
26 subject to this executive order to the inventory of
27 the Department of Land and Natural Resources;
28
- 29 (9) Executive Order No. 4039, setting aside land in Aiea,
30 Ewa, Oahu, to the Department of Education, and to
31 return 2.254 acres of land subject to this executive
32 order to the inventory of the Department of Land and
33 Natural Resources;
34
- 35 (10) Executive Order No. 4170, setting aside land in
36 Mokauea and Kaholaloa, Sand Island, Honolulu, Oahu, to
37 the Department of Transportation, and to return 6.702
38 acres of land subject to this executive order to the
39 inventory of the Department of Land and Natural
40 Resources;
41
- 42 (11) Executive Order No. 2427, setting aside land in
43 Kahului, Maui, to the Department of Transportation,
44 and to return 5.000 acres of land subject to this



1 executive order to the inventory of the Department of
2 Land and Natural Resources; and

- 3
4 (12) Executive Order No. 3586, setting aside land in
5 Kahului, Maui, to the Department of Accounting and
6 General Services, and to return 2.500 acres of land
7 subject to this executive order to the inventory of
8 the Department of Land and Natural Resources; and
9

10 BE IT FURTHER RESOLVED that in cases where a Receiving
11 Agency that is identified above requires public land for its
12 operations but does not require the full amount of land set
13 aside to it by the applicable executive order listed above, the
14 agency may apply to the Department of Land and Natural Resources
15 for an executive order covering a land area that is adequate to
16 meet its needs; and
17

18 BE IT FURTHER RESOLVED that the Department of Land and
19 Natural Resources initiate a further review and assessment of
20 existing executive orders to determine whether the Receiving
21 Agencies are fully utilizing the lands set aside to them; and
22

23 BE IT FURTHER RESOLVED that the Department of Land and
24 Natural Resources report its findings and recommendations to the
25 Legislature no later than twenty days prior to the convening of
26 the Regular Session of 2012; and
27

28 BE IT FURTHER RESOLVED that the Department of Land and
29 Natural Resources examine the development potential for any
30 public land returned to its inventory as a result of the
31 withdrawal of the executive orders listed above; and
32

33 BE IT FURTHER RESOLVED that certified copies of this
34 Concurrent Resolution be transmitted to the Governor,
35 Chairperson of the Board of Land and Natural Resources,
36 Chairperson of the Board of Education, Director of Public
37 Safety, Comptroller, Director of Transportation, Mayor of the
38 County of Hawaii, and Hawaii National Guard.

