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# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1           SECTION 1. Chapter 163D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§163D-       Disposition of lands; legislative approval  
5 required. Any sale or exchange of land that the corporation  
6 holds title to shall be subject to legislative approval  
7 expressed in a concurrent resolution adopted by a majority vote  
8 of both the senate and the house of representatives; provided  
9 that legislative approval shall not be required for the sale of  
10 land to any government agency or public utility company and for  
11 the sale of remnant parcels that have no economic use.

12           The concurrent resolution shall contain, at a minimum:

13           (1) The location, area, zoning, current use, and most  
14           recent valuation of the land to be sold;

15           (2) A summary of the sale terms;

16           (3) Information on whether the land has been identified as  
17           part of the public land trust, pursuant to section

18           5(f) of the Admission Act;



- 1        (4) Information on the intended use of the land; and  
2        (5) Any other information pertinent to the legislature's  
3        decision."

4        SECTION 2. Chapter 206E, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7        **"§206E- Disposition of lands; legislative approval**  
8 **required.** Any sale, exchange, or other similar disposition of  
9 land that the authority holds title to shall be subject to  
10 legislative approval expressed in a concurrent resolution  
11 adopted by majority vote of both the senate and the house of  
12 representatives; provided that legislative approval shall not be  
13 required for the sale of land to any government agency or public  
14 utility company, for the sale of remnant parcels that have no  
15 economic use, for any sale or lease of property executed  
16 pursuant to the reserved housing program, for a grant of  
17 easement, for properties of less than one acre, and for  
18 temporary month-to-month permits.

19        The concurrent resolution shall contain, at a minimum:

- 20        (1) The location, area, zoning, current use, and most  
21        recent valuation of the land to be sold;  
22        (2) A summary of the sale terms;



- 1        (3) Information on whether the land has been identified as  
2        part of the public land trust, pursuant to section  
3        5(f) of the Admission Act;
- 4        (4) Information on the development plans for the land; and  
5        (5) Any other information pertinent to the legislature's  
6        decision."

7        SECTION 3. Chapter 206M, Hawaii Revised Statutes, is  
8        amended by adding a new section to be appropriately designated  
9        and to read as follows:

10        **"§206M- Disposition of lands; legislative approval**  
11        **required.** Any sale or exchange of land that the development  
12        corporation holds title to shall be subject to the legislative  
13        approval expressed in a concurrent resolution passed by majority  
14        vote of both the senate and the house of representatives;  
15        provided that legislative approval shall not be required for the  
16        sale of land to any government agency or public utility company  
17        and for the sale of remnant parcels that have no economic use.

18        The resolution shall contain, at a minimum:

- 19        (1) The location, area, zoning, current use, and most  
20        recent valuation of the land to be sold;
- 21        (2) A summary of the sale terms;



- 1        (3) Information on whether the land has been identified as  
2        part of the public land trust, pursuant to section  
3        5(f) of the Admission Act;
- 4        (4) Information on the development plans for the land; and  
5        (5) Any other information pertinent to the legislature's  
6        decision."

7        SECTION 4. Chapter 304, Hawaii Revised Statutes, is  
8        amended by adding a new section to be appropriately designated  
9        and to read as follows:

10        **"§304- Disposition of lands; legislative approval**  
11        **required.** Any sale, exchange, or other similar disposition of  
12        land that the university holds title to shall be subject to  
13        legislative approval expressed in a concurrent resolution  
14        adopted by majority vote of both the senate and the house of  
15        representatives; provided that the legislative approval shall  
16        not be required for the sale of land to any government agency or  
17        public utility company, for the sale of remnant parcels that  
18        have no economic use, for any lease to a university program, for  
19        grants of easement, and for temporary month-to-month permits.

20        The concurrent resolution shall contain, at a minimum:

- 21        (1) The location, area, zoning, current use, and most  
22        recent valuation of the land to be sold;



- 1        (2) A summary of the sale terms;  
2        (3) Information on whether the land has been identified as  
3        part of the public land trust, pursuant to section  
4        5(f) of the Admission Act;  
5        (4) Information on development plans for the land; and  
6        (5) Any other information pertinent to the legislature's  
7        decision."

8        SECTION 5. Section 201G-9, Hawaii Revised Statutes, is  
9 amended by amending subsection (c) to read as follows:

10        "(c) The corporation may lease or rent all or a portion of  
11 any housing project and establish and revise the rents or  
12 charges therefor. The corporation may sell, exchange, transfer,  
13 assign, or pledge any property, real or personal, or any  
14 interest therein to any person or government [-]; provided that  
15 any sale of land that the corporation holds title to shall be  
16 subject to legislative approval expressed in a concurrent  
17 resolution adopted by majority vote of both the senate and the  
18 house of representatives; provided further that legislative  
19 approval shall not be required for the sale to any government  
20 agency or public utility company and for the sale of remnant  
21 parcels that have no economic use.

22        The resolution shall contain, at a minimum:



- 1        (1) The location, area, zoning, current use, and most
- 2                recent valuation of the land to be sold;
- 3        (2) A summary of the sale terms;
- 4        (3) Information on whether the land has been identified as
- 5                part of the public land trust, pursuant to section
- 6                5(f) of the Admission Act;
- 7        (4) Information on the development plans for the land; and
- 8        (5) Any other information pertinent to the legislature's
- 9                decision."

10        SECTION 6. Section 206E-14, Hawaii Revised Statutes, is  
 11 amended by amending subsection (a) to read as follows:

12        "(a) The authority [~~may~~], without recourse to public  
 13 auction[~~7~~] and subject to section 206E- , may sell, or lease  
 14 for a term not exceeding sixty-five years, all or any portion of  
 15 the real or personal property constituting a redevelopment  
 16 project to any person, upon such terms and conditions as may be  
 17 approved by the authority, if the authority finds that the sale  
 18 or lease is in conformity with the community development plan."

19        SECTION 7. Section 304-8.957, Hawaii Revised Statutes, is  
 20 amended by amending subsection (a) to read as follows:

21        "(a) There is established the University of Hawaii real  
 22 property and facilities use revolving fund, into which shall be

1 deposited all revenues collected by the university for the use  
2 of university real property and facilities, except as otherwise  
3 provided by law. The board of regents may establish prices,  
4 fees, and charges, including those for the sale, lease, or use  
5 of university real property and facilities, which include land,  
6 buildings, grounds, furnishings, and equipment; provided that  
7 the university shall comply with all statutory and common law  
8 requirements in the disposition of ceded lands[-]; provided  
9 further that the university shall comply with section 304- in  
10 the disposition of lands controlled by the university. The  
11 board of regents shall be exempt from the public notice and  
12 public hearing requirements of chapter 91 in establishing and  
13 amending the fees and charges. The university may establish  
14 separate accounts within the revolving fund for major program  
15 activities. Funds deposited into the revolving fund accounts  
16 shall be expended to pay the costs of operating university  
17 facilities, including maintenance, administrative expenses,  
18 salaries, wages, and benefits of employees; contractor services,  
19 supplies, security, furnishings, equipment, janitorial services,  
20 insurance, utilities, and other operational expenses. Revenues  
21 not expended as provided in this section may be transferred to  
22 other university funds to be invested or expended for the



1 administrative or overhead costs of the university. All  
2 expenditures from this fund shall be subject to appropriation."

3 SECTION 8. Section 201G-9, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) The administration may lease or rent all or a portion  
6 of any housing project and establish and revise the rents or  
7 charges therefor. The administration may sell, exchange,  
8 transfer, assign, or pledge any property, real or personal, or  
9 any interest therein to any person or government [-]; provided  
10 that any sale of land that the corporation holds title to shall  
11 be subject to legislative approval expressed in a concurrent  
12 resolution adopted by majority vote of both the senate and the  
13 house of representatives; provided further that legislative  
14 approval shall not be required for the sale to any government  
15 agency or public utility company and for the sale of remnant  
16 parcels that have no economic use.

17 The resolution shall contain, at a minimum:

- 18 (1) The location, area, zoning, current use, and most  
19 recent valuation of the land to be sold;  
20 (2) A summary of the sale terms;





- 1        (3) Information on whether the land has been identified as
- 2            part of the public land trust, pursuant to section
- 3            5(f) of the Admission Act;
- 4        (4) Information on the development plans for the land; and
- 5        (5) Any other information pertinent to the legislature's
- 6            decision."

7        SECTION 9. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9        SECTION 10. This Act does not affect rights and duties  
10 that matured, penalties that were incurred, and proceedings that  
11 were begun, before its effective date.

12        SECTION 11. This Act shall take effect upon its approval;  
13 provided that sections 4 and 7 shall take effect on December 31,  
14 2006.



**Report Title:**

State-Controlled Lands; Legislative Approval Prior to Sale

**Description:**

Requires ADC, HCDA, HCDCH, HTDC, and UH to obtain legislative approval before disposing of state lands under their respective jurisdictions. (SD1)

