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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 206E-14, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

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

17        SECTION 6. Section 304-8.957, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19        "(a) There is established the University of Hawaii real  
20 property and facilities use revolving fund, into which shall be  
21 deposited all revenues collected by the university for the use  
22 of university real property and facilities, except as otherwise



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



1 SECTION 7. Section 201G-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

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

15 The resolution shall contain, at a minimum:

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

18 (2) A summary of the sale terms;

19 (3) Information on whether the land has been identified as  
20 part of the public land trust, pursuant to section  
21 5(f) of the Admission Act;

22 (4) Information on the development plans for the land; and



1        (5) Any other information pertinent to the legislature's  
2                decision."

3                SECTION 8. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

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

8                SECTION 10. This Act shall take effect upon its approval;  
9 provided that section 7 shall take effect on July 1, 2006;  
10 provided further that sections 4 and 6 shall take effect on  
11 December 31, 2006.



HB1928, SD2

**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. (SD2)

