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# A BILL FOR AN ACT

RELATING TO LANDS CONTROLLED BY THE STATE.

**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(s) 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, lease, or other similar  
9        disposition of land that the authority holds title to shall be  
10       subject to legislative approval expressed in a concurrent  
11       resolution adopted by majority vote of both the senate and the  
12       house of representatives; provided that legislative approval  
13       shall not be required for the sale of land to any government  
14       agency or public utility company, for the sale of remnant  
15       parcels that have no economic use, for any sale or lease of  
16       property executed pursuant to the reserved housing loan program,  
17       for a grant of easement, and for temporary month-to-month  
18       permits.

19        The concurrent resolution shall contain, at a minimum:

- 20        (1) The location, area, zoning, current use, and most  
21        recent valuation(s) of the land to be sold or leased;  
22        (2) A summary of the sale or lease 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(s) 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, lease, or other similar  
12        disposition of land that the university holds title to shall be  
13        subject to legislative approval expressed in a concurrent  
14        resolution adopted by majority vote of both the senate and the  
15        house of representatives; provided that the legislative approval  
16        shall not be required for the sale of land to any government  
17        agency or public utility company, for the sale of remnant  
18        parcels that have no economic use, for any lease to a university  
19        program, for grants of easement, and for temporary month-to-  
20        month permits.

21        The concurrent resolution shall contain, at a minimum:



- 1        (1) The location, area, zoning, current use, and most  
2                    recent valuation(s) of the land to be sold or leased;
- 3        (2) A summary of the sale or lease 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 development plans for the land; and
- 8        (5) Any other information pertinent to the legislature's  
9                    decision."

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

12        "(c) The corporation may lease or rent all or a portion of  
13 any housing project and establish and revise the rents or  
14 charges therefor. The corporation may sell, exchange, transfer,  
15 assign, or pledge any property, real or personal, or any  
16 interest therein to any person or government [-]; provided that  
17 any sale of land that the corporation holds title to shall be  
18 subject to legislative approval expressed in a concurrent  
19 resolution adopted by majority vote of both the senate and the  
20 house of representatives; provided further that legislative  
21 approval shall not be required for the sale to any government



1 agency or public utility company and for the sale of remnant  
2 parcels that have no economic use.

3 The resolution shall contain, at a minimum:

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

6 (2) A summary of the sale terms;

7 (3) Information on whether the land has been identified as  
8 part of the public land trust, pursuant to section  
9 5(f) of the admission act;

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

11 (5) Any other information pertinent to the legislature's  
12 decision."

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

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



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

3 "(a) There is established the University of Hawaii real  
4 property and facilities use revolving fund, into which shall be  
5 deposited all revenues collected by the university for the use  
6 of university real property and facilities, except as otherwise  
7 provided by law. The board of regents may establish prices,  
8 fees, and charges, including those for the sale, lease, or use  
9 of university real property and facilities, which include land,  
10 buildings, grounds, furnishings, and equipment; provided that  
11 the university shall comply with all statutory and common law  
12 requirements in the disposition of ceded lands[-]; provided  
13 further that the university shall comply with section 304- in  
14 the disposition of lands controlled by the university. The  
15 board of regents shall be exempt from the public notice and  
16 public hearing requirements of chapter 91 in establishing and  
17 amending the fees and charges. The university may establish  
18 separate accounts within the revolving fund for major program  
19 activities. Funds deposited into the revolving fund accounts  
20 shall be expended to pay the costs of operating university  
21 facilities, including maintenance, administrative expenses,  
22 salaries, wages, and benefits of employees; contractor services,



1 supplies, security, furnishings, equipment, janitorial services,  
2 insurance, utilities, and other operational expenses. Revenues  
3 not expended as provided in this section may be transferred to  
4 other university funds to be invested or expended for the  
5 administrative or overhead costs of the university. All  
6 expenditures from this fund shall be subject to appropriation."

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

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

12 SECTION 10. This Act shall take effect upon its approval;  
13 provided that on July 1, 2006, section 201G-9(c) shall be  
14 amended to include the changes made in section 5 of this Act.





SB2476, SD1

**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)

