
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 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 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 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 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 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- , may sell, or lease
17 for a term not exceeding sixty-five years, all or any portion of
18 the real or personal property constituting a redevelopment .
19 project to any person, upon such terms and conditions as may be
20 approved by the authority, if the authority finds that the sale
21 or lease 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. Section 201G-9, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

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

21 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 9. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

15 SECTION 11. This Act shall take effect upon its approval;
16 provided that section 8 shall take effect on July 1, 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. (SD2)

