
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 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- Exchange of lands under the control of state
5 departments and agencies for private land; legislative approval
6 required. (a) Notwithstanding any law to the contrary,
7 including subsection 171-50(c), but excluding subsections 171-
8 50(a), (b), and (d), no exchange of:

- 9 (1) Land defined as public land under section 171-2;
10 (2) Land set aside pursuant to law for the use of the
11 United States;
12 (3) Land being used for roads and streets;
13 (4) Land to which the United States relinquished the
14 absolute fee and ownership under section 91 of the
15 Hawaiian Organic Act prior to the admission of Hawaii
16 as a state of the United States unless subsequently
17 placed under the control of the board of land and



1 natural resources and given the status of public lands
2 in accordance with the state constitution, the
3 Hawaiian Homes Commission Act, 1920, as amended, or
4 other laws;

5 (5) Land to which the University of Hawaii holds title;

6 (6) Land to which the Hawaii housing finance and
7 development corporation in its corporate capacity
8 holds title;

9 (7) Land to which the department of agriculture holds
10 title by way of foreclosure, voluntary surrender, or
11 otherwise, to recover moneys loaned or to recover
12 debts otherwise owed the department under chapter 167;

13 (8) Land that is set aside by the governor to the Aloha
14 Tower development corporation; lands leased to the
15 Aloha Tower development corporation by any department
16 or agency of the State; or land to which the Aloha
17 Tower development corporation holds title in its
18 corporate capacity;

19 (9) Land that is set aside by the governor to the
20 agribusiness development corporation; land leased to
21 the agribusiness development corporation by any
22 department or agency of the State; or land to which



1 the agribusiness development corporation in its
2 corporate capacity holds title; or
3 (10) Land to which the high technology development
4 corporation in its corporate capacity holds title,
5 shall be made without the approval of the legislature by at
6 least a two-thirds majority vote of the members to which each
7 house is entitled in a regular or special session at which a
8 concurrent resolution is submitted for introduction to the
9 legislature for the review of an exchange pursuant to subsection
10 (b).

11 (b) The state department or agency shall submit for
12 introduction to the legislature a concurrent resolution for
13 review of any exchange. The concurrent resolution shall contain
14 a list of all exchanges proposed by the state department or
15 agency and shall be submitted with the proposed exchange deeds
16 for the exchanges to be executed by the parties together with
17 the following information:

18 (1) The location and area of the parcels of land to be
19 exchanged;
20 (2) The value of the lands to be conveyed by the State and
21 the private party;



1 (3) The names of all appraisers performing appraisals of
2 the parcels of land to be exchanged;

3 (4) The date of the appraisal valuation;

4 (5) The purpose for which the parcels of land is being
5 exchanged; and

6 (6) A detailed summary of any development plans for the
7 parcels of land to be exchanged.

8 (c) If the legislature fails to approve the concurrent
9 resolution to authorize the exchange of land for private land as
10 provided in subsection (a), the exchange shall not be
11 consummated by the state department or agency."

12 SECTION 2. Notwithstanding any other law to the contrary,
13 including sections 171-13 and 171- , the board may exchange, in
14 accordance with section 171-50(b), by direct negotiation and
15 without recourse to public auction, no more than fifteen acres
16 of public lands listed under subsection 171- (a), to an
17 eleemosynary organization that has been certified to be tax-
18 exempt under sections 501(c)(1) or 501(c)(3) of the Internal
19 Revenue Code of 1986, as amended, to be used as the site of a
20 community center on the following conditions:

21 (1) The lands shall be used by the eleemosynary
22 organization for a community center that shall be made



1 available to the public without regard to race, creed,
2 color, national origin, sex, or mental or physical
3 handicap;

4 (2) The eleemosynary organization shall demonstrate
5 sources of funding sufficient to construct and
6 maintain a multi-purpose community center with
7 sufficient size and facilities to serve a community of
8 twenty-five thousand people, including:

9 (A) A major aquatic center with two swimming pools;

10 (B) An athletic complex with a gymnasium that houses
11 a national collegiate athletic association
12 regulation-sized basketball court;

13 (C) Performing arts center;

14 (D) Educational and vocational training center; and

15 (E) At least three hundred parking stalls;

16 (3) The major donors contributing to the capital
17 improvements or maintenance of the community center
18 require the eleemosynary organization to own the land
19 in fee simple instead of a lease under section 171-
20 43.1; and

21 (4) If the land is not used or ceases to be used for the
22 purpose set forth in paragraph (1), ownership of the



1 land and any improvements constructed thereon shall
2 revert to the State.

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.



Report Title:

State Lands; Legislative Approval Prior to Land Exchanges

Description:

Requires legislative approval of any exchange of lands under the control of certain state departments or agencies for private lands. Creates an exception for community centers by eleemosynary organizations. (SB1923 HD1)

