



GOV. MSG. NO 809

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 13, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 13, 2009, the following bill was signed into law:

SB1677 SD1 HD2 CD1

A BILL FOR AN ACT
RELATING TO LANDS CONTROLLED BY THE
STATE.

ACT 176 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

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. The purpose of this Act is to establish a more
2 comprehensive process for the sale of state-owned land, and to
3 reserve a larger oversight role for the legislature to assure
4 that key information about certain sales or exchanges of land is
5 shared with the legislature.

6 Realizing that each sale, however reasonable or necessary,
7 is final and permanent, and recognizing that the legislature may
8 exercise its power over the State's land by general laws only,
9 this Act establishes a legislative prior approval process that,
10 must be completed before most state-owned land may be sold, and
11 maintains the current legislative disapproval process that must
12 be completed for the exchange of certain state-owned land for
13 private land to be final, except as amended with regard to
14 notification.

15 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
16 amended by adding a new part to be appropriately designated and
17 to read as follows:



1 "PART . SALE OR GIFT OF LANDS

2 §171- Legislative approval of sale or gift of lands.

3 (a) This section applies to all lands or interest therein owned
4 or under the control of state departments and agencies classed
5 as government or crown lands previous to August 15, 1895, or
6 acquired or reserved by the government upon or subsequent to
7 that date by purchase, exchange, escheat, or the exercise of the
8 right of eminent domain, or any other manner, including accreted
9 lands not otherwise awarded, submerged lands, and lands beneath
10 tidal waters which are suitable for reclamation, together with
11 reclaimed lands which have been given the status of public lands
12 under this chapter, including:

13 (1) Land set aside pursuant to law for the use of the
14 United States;

15 (2) Land to which the United States relinquished the
16 absolute fee and ownership under section 91 of the
17 Organic Act prior to the admission of Hawaii as a
18 state of the United States;

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

20 (4) Land to which the Hawaii housing finance and
21 development corporation in its corporate capacity
22 holds title;

- 1 (5) Land to which the department of agriculture holds
2 title by way of foreclosure, voluntary surrender, or
3 otherwise, to recover moneys loaned or to recover
4 debts otherwise owed the department under chapter 167;
- 5 (6) Land that is set aside by the governor to the Aloha
6 Tower development corporation; or land to which the
7 Aloha Tower development corporation holds title in its
8 corporate capacity;
- 9 (7) Land that is set aside by the governor to the
10 agribusiness development corporation; or land to which
11 the agribusiness development corporation in its
12 corporate capacity holds title; and
- 13 (8) Land to which the high technology development
14 corporation in its corporate capacity holds title.
- 15 (b) Notwithstanding any law to the contrary, no sale of
16 lands described in subsection (a) in fee simple including land
17 sold for roads and streets, or gift of lands described in
18 subsection (a) in fee simple to the extent such gift is
19 otherwise permitted by law, shall occur without the prior
20 approval of the sale or gift by the legislature by concurrent
21 resolution to be adopted by each house by at least a two-thirds
22 majority vote of the members to which each house is entitled in



1 a regular or special session at which a concurrent resolution is
2 submitted for approval of the sale; provided that the provisions
3 of this section shall not apply to remnants, as that term is
4 defined in section 171-52, or portions thereof; and provided
5 further that this section shall not apply to the issuance of
6 licenses, permits, easements, and leases executed in conformance
7 with the laws applicable to the lands listed in subsection (a).

8 (c) The state department or agency proposing to sell or
9 give any state land described in subsection (a) shall submit for
10 introduction to the legislature a concurrent resolution for
11 review of the proposed sale or gift. The concurrent resolution
12 shall contain a list of all sales or gifts of state land
13 proposed by the state department or agency. The concurrent
14 resolution shall contain the following information:

- 15 (1) The location and area of the parcels of land to be
16 sold or given;
- 17 (2) The appraisal value of the land to be sold or given;
- 18 (3) The names of all appraisers performing appraisals of
19 the land to be sold or given;
- 20 (4) The date of the appraisal valuation;
- 21 (5) The purpose for which the land is being sold or given;
- 22 and



1 (6) A detailed summary of any development plans for the
2 land to be sold or given.

3 A copy of the concurrent resolution for the prior approval
4 of a sale or gift of land shall also be submitted to the office
5 of Hawaiian affairs when it is submitted to the legislature.

6 (d) If the legislature fails to approve the concurrent
7 resolution by at least a two-thirds majority vote of both
8 houses, the transaction shall be abandoned by the state
9 department or agency.

10 (e) Prior to finalizing any proposal for the sale or gift
11 of lands described in subsection (a) to a person or entity other
12 than the State, its agencies, or its entities, and prior to
13 submission of the concurrent resolution to the legislature under
14 subsection (c), the State, agency, or entity, as appropriate,
15 shall hold an informational briefing on the proposed sale or
16 gift in the community where the land to be sold or given is
17 located.

18 (f) This section shall not apply to sales or gifts of
19 lands described in subsection (a) between state departments or
20 agencies, and to sales of available lands under the Hawaiian
21 homes commission act."



1 SECTION 3. Section 171-50, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Legislative disapproval. Any exchange of public land
4 for private land shall be subject to disapproval by the
5 legislature by two thirds vote of either the senate or the house
6 of representatives or by majority vote of both in any regular or
7 special session following the date of the board of land and
8 natural resources' approval in principle of the exchange. The
9 department shall submit for introduction to the legislature a
10 resolution for review of action on any exchange to be
11 consummated by the board wherein exchange deeds will be executed
12 by the parties together with the following information: (1) the
13 location and area of the parcels of land to be exchanged; (2)
14 the value of the lands to be conveyed by the State and the
15 private party; (3) the name or names of the appraiser or
16 appraisers; [~~and~~] (4) the date of the appraisal valuation[-];
17 and (5) the purpose for which the lands are being exchanged. A
18 copy of the resolution shall also be submitted to the office of
19 Hawaiian affairs when it is submitted to the legislature."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect upon its approval.



S.B. NO.

1677
S.D. 1
H.D. 2
C.D. 1

APPROVED this 13 day of , 2009



GOVERNOR OF THE STATE OF HAWAII