

---

---

# A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The University of Hawaii acquired lands for the  
2 University of Hawaii at West Oahu through a land exchange  
3 approved in Act 294, Session Laws of Hawaii 1996. Subsequently,  
4 the University of Hawaii at West Oahu campus has grown and  
5 continues to grow according to the university's long-range  
6 development plans. However, the legislature finds that there  
7 remains significant acreage that could be used for revenue-  
8 generating purposes for the support of the University of Hawaii  
9 at West Oahu. The university is supported with public funds and  
10 as such, it is the legislature's responsibility to ensure that  
11 the university is fiscally sustainable. Consequently, the  
12 legislature finds and declares that the disposition of land with  
13 the potential for revenue generation is an issue of statewide  
14 concern and therefore under the legislature's purview pursuant  
15 to article x, section 6 of the Hawaii state constitution.

16       Accordingly, the purpose of this Act is to prohibit the  
17 sale or gift of the University of Hawaii at West Oahu land



1 acquired pursuant to Act 294, Session Laws of Hawaii 1996,  
2 without the prior consent of the legislature.

3 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§304A- University of Hawaii at West Oahu; sale or gift  
7 of lands. (a) Notwithstanding section 304A-105 to the  
8 contrary, no sale of lands described in section 304A-  
9 2166(b)(2)(A) and (B) in fee simple, including land sold for  
10 roads and streets, or gift of lands described in those sections  
11 in fee simple to the extent such gift is otherwise permitted by  
12 law, shall occur without the prior approval of the sale or gift  
13 by the legislature by concurrent resolution to be adopted by at  
14 least a two-thirds majority vote of both houses.

15 (b) The university shall submit for introduction to the  
16 legislature a concurrent resolution for review of the proposed  
17 sale or gift. The concurrent resolution shall contain a list of  
18 all sales or gifts of land proposed by the university. The  
19 concurrent resolution shall contain the following information:

20 (1) The specific location and size in square feet or in  
21 other precise measure of the parcels of land to be  
22 sold or gifted;



1       (2) The appraisal value of the land to be sold or gifted;

2       (3) The names of all appraisers performing appraisals of  
3       the land to sold or gifted;

4       (4) The date of the appraisal valuation;

5       (5) The purpose for which the land is being sold or  
6       gifted; and

7       (6) A detailed summary of any development plans for the  
8       land to be sold or gifted.

9       (c) If the legislature fails to approve the concurrent  
10      resolution by at least a two-thirds majority vote of both  
11      houses, the transaction shall be abandoned by the university.

12       (d) Prior to finalizing any proposal for the sale or gift  
13      of lands described in subsection (a) and prior to the submission  
14      of a the concurrent resolution to the legislature pursuant to  
15      subsection (b), the university shall hold an informational  
16      briefing on the proposed sale or gift."

17           SECTION 3. Section 304A-2166, Hawaii Revised Statutes, is  
18      amended by amending subsection (b) to read as follows:

19           "(b) The following shall be deposited into the special  
20      fund:

21           (1) Appropriations by the legislature to the special fund;



1 (2) All net proceeds from the sale of public lands, all  
2 net rents from leases, licenses, and permits, or all  
3 net proceeds derived from development rights for  
4 public lands:

5 (A) Proposed for large lot subdivision as a five  
6 hundred acre parcel and designated as Lot 10077  
7 in Land Court Application 1069; and

8 (B) Obtained from the Campbell Estate in the land  
9 exchange described in section 2 of Act 294,  
10 Session Laws of Hawaii 1996, located mauka of the  
11 H-1 Freeway and consisting of nine hundred forty-  
12 one acres, more or less; [and]

13 provided that notwithstanding section 304A-105 to the  
14 contrary, no sale of lands described in this paragraph  
15 in fee simple, including land sold for roads and  
16 streets, or gift of lands described in this paragraph  
17 in fee simple to the extent such gift is otherwise  
18 permitted by law, shall occur without the prior  
19 approval of the sale or gift by the legislature  
20 pursuant to section 304A- ; and

21 (3) Interest earned or accrued on moneys in the special  
22 fund."



1 SECTION 4. Section 304A-2274, 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 and those lands  
13 described in sections 304A-2166(b)(2)(A) and (B). The board of  
14 regents shall be exempt from the public notice and public  
15 hearing requirements of chapter 91 in establishing and amending  
16 the fees and charges. The university may establish separate  
17 accounts within the revolving fund for major program activities.  
18 Funds deposited into the revolving fund accounts shall be  
19 expended to pay the costs of operating university facilities,  
20 including maintenance, administrative expenses, salaries, wages,  
21 and benefits of employees, contractor services, supplies,  
22 security, furnishings, equipment, janitorial services,



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

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

10 SECTION 6. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on July 1, 2525.



**Report Title:**

University of Hawaii at West Oahu; Sale or Gift of Land

**Description:**

Prohibits the sale or gift of land currently being used for the permanent campus of the University of Hawaii at West Oahu, including the surrounding land to which the University holds title, without the prior consent of the Legislature. Effective July 1, 2525. (HB1855 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

