

## ACT 294

H.B. NO. 1716

A Bill for an Act Relating to the University of Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 304, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§304- University of Hawaii - West Oahu special fund.** (a) There is established within the treasury of the State a special fund to be known as the University of Hawaii - West Oahu special fund. The proceeds of the special fund shall be used for the following purposes:

- (1) Planning, land acquisition, design, construction, and equipment necessary for the development of the permanent campus of the University of Hawaii - West Oahu in Kapolei; and
- (2) Planning, land acquisition, design, improvement, and construction of infrastructure and other public or common facilities necessary for the development of the permanent campus of the University of Hawaii - West Oahu in Kapolei.

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

- (1) Appropriations by the legislature to the special fund;
- (2) All net proceeds from the sale of public lands, all net rents from leases, licenses, and permits, or all net proceeds derived from development rights for public lands:
  - (A) Proposed for large lot subdivision as a five hundred acre parcel and designated as Lot 10077 in Land Court Application 1069; and
  - (B) Obtained from Campbell Estate in the land exchange described in section 10<sup>1</sup> of this Act located mauka of the H-1 Freeway and consisting of nine hundred forty-one acres, more or less; and
- (3) Interest earned or accrued on moneys in the special fund.

(c) The fund shall be managed by the University of Hawaii, which shall also make expenditures from the fund.

(d) Notwithstanding any other law to the contrary, no moneys from the special fund may be expended for any purposes other than the purposes set forth herein unless otherwise approved by the legislature.”

SECTION 2. The legislature finds that it is in the public interest to enter into a land exchange with Campbell Estate involving private lands in Kapolei, Oahu, for public lands also in Kapolei, Oahu.

Lands were acquired by the State from Campbell Estate for a proposed University of Hawaii West Oahu campus in Kapolei. The Hawaii Raceway Park in Kapolei was also acquired by the State from Campbell Estate by final order of condemnation. It is now proposed to construct the West Oahu campus on a much larger area of land presently owned by Campbell Estate above the H-1 freeway, but still in the Kapolei area.

Campbell Estate has proposed to exchange this much larger area of land above the H-1 freeway for the Hawaii Raceway Park.

This land exchange is consistent with the State's commitment to construct a West Oahu campus in Kapolei, which has been long recognized as the secondary urban center for the island of Oahu. This land exchange would also provide the State with additional land in Kapolei that will afford the State greater flexibility in the sequencing and rate of development in Kapolei.

SECTION 3. Notwithstanding section 171-50(b), Hawaii Revised Statutes, the eighteenth legislature approves the land exchange involving private lands in Kapolei, Oahu, for public lands also located in Kapolei, Oahu; provided that:

- (1) The public lands shall be less than or of substantially equal "fair market" value to that of the private land;
- (2) The "fair market" value of the private land and the public land shall be separately determined by a disinterested qualified appraiser or appraisers, and the cost shall be borne equally between the owner and the board of land and natural resources; and
- (3) No payment by the State shall be required should the private land exceed the value of the public land, but any difference in the value of the public land over the private land shall be paid to the State at the time of the exchange; provided that no exchange shall be made should the value of the public land exceed one hundred twenty per cent of the value of the private land.

SECTION 4. Notwithstanding section 171-50(c), Hawaii Revised Statutes, the eighteenth legislature approves the land exchange involving private lands in Kapolei, Oahu, owned by Campbell Estate (more specifically identified as portions of TMK Nos. (1)9-2-01:1, (1)9-2-02:1, and (1)9-2-04:5), and public lands also located at Kapolei, Oahu (more specifically identified as a portion of TMK No. (1)9-1-75:44); provided that the following conditions are met:

- (1) An exchange deed is executed between the parties which contains the following:
  - (A) The location and area of the parcels of land to be exchanged;
  - (B) The value of the lands to be conveyed by the State and Campbell Estate;
  - (C) The name or names of the appraisers involved;
  - (D) The date of the appraisal or appraisals which shall not be more than six months prior to the date of the final approval of the land exchange by the board of land and natural resources; and
  - (E) Construction of the University of Hawaii West Oahu campus at Kapolei shall commence by December 31, 2006; provided that such commencement date shall be extended to December 31, 2011, if the legislature appropriates funds for the planning and design of the University of Hawaii West Oahu campus at Kapolei by December 31, 2006; and
- (2) All of the right, title and interest in the approximately nine hundred forty-one acre area located mauka of the H-1 freeway obtained from Campbell Estate in this land exchange, more specifically identified as portions of TMK Nos. (1)9-2-01:1, (1)9-2-02:1, and (1)9-2-04:5, shall be conveyed in fee simple by deed to the University of Hawaii.

SECTION 5.<sup>2</sup> This Act shall take effect upon its approval; provided that sections 2, 3, and 4 shall be repealed on June 30, 1997.

(Approved June 25, 1996.)

#### Notes

1. Should probably be "section 2".
2. No Ramseyer clause.