
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- Sale of lands under the control of state
5 departments and agencies; legislative approval required. (a)

6 Notwithstanding any law to the contrary, no sale of:

- 7 (1) Land defined as public land under section 171-2;
8 (2) Land designated in section 203 of the Hawaiian Homes
9 Commission Act, 1920, as amended;
10 (3) Land set aside pursuant to law for the use of the
11 United States;
12 (4) Land being used for roads and streets;
13 (5) 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 (6) Land to which the University of Hawaii holds title;

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

9 (8) Land to which the Hawaii community development
10 authority in its corporate capacity holds title;

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

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

21 (11) Land that is set aside by the governor to the
22 agribusiness development corporation; land leased to



1 the agribusiness development corporation by any
2 department or agency of the State; or land to which
3 the agribusiness development corporation in its
4 corporate capacity holds title; or
5 (12) Land to which the high technology development
6 corporation in its corporate capacity holds title;
7 shall be made without the approval of the legislature by at
8 least two-thirds majority vote of the members to which each
9 house is entitled in any regular or special session at which the
10 legislature is authorized to act on the sale of public land
11 following the date of approval in principle of a sale by the
12 state department or agency.

13 (b) The state department or agency shall submit for
14 introduction to the legislature a concurrent resolution for
15 review of action on any sale of state land controlled by the
16 state department or agency, wherein the deed for the land shall
17 be executed by the parties together with the following
18 information:

19 (1) The location and area of the parcel of land to be
20 sold;

21 (2) The value of the land to be sold;



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

3 (4) The date of the appraisal valuation;

4 (5) The purpose for which the land is being sold; and

5 (6) A detailed summary of any development plans for the
6 land to be sold.

7 (c) If the legislature fails to approve the concurrent
8 resolution to authorize the sale of state land under the control
9 of the state department or agency as provided in subsection (a),
10 the transaction shall not be executed by the state department or
11 agency."

12 SECTION 2. Section 171-13, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§171-13 Disposition of public lands.** Except as otherwise
15 provided by law and subject to other provisions of this chapter,
16 including section 171- , the board may:

17 (1) Dispose of public land in fee simple, by lease, lease
18 with option to purchase, license, or permit[+], and in
19 the case of a disposal in fee, subject to the approval
20 of the legislature pursuant to section 171- ; and

21 (2) Grant easement by direct negotiation or otherwise for
22 particular purposes in perpetuity on such terms as may



1 be set by the board, subject to reverter to the State
2 upon termination or abandonment of the specific
3 purpose for which it was granted, provided the sale
4 price of such easement shall be determined pursuant to
5 section 171-17(b).

6 No person shall be eligible to purchase or lease public lands,
7 or to be granted a license, permit, or easement covering public
8 lands, who has had during the five years preceding the date of
9 disposition a previous sale, lease, license, permit, or easement
10 covering public lands cancelled for failure to satisfy the terms
11 and conditions thereof."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2050.



REPORT Title:

State Lands; Legislative Approval Prior to Sale

Description:

Requires legislative approval of the sale of any state land under the control of any state department or agency. Makes conforming amendments to section 171-13, HRS. (SD2)

