

ACT 104

S.B. NO. 1924

A Bill for an Act Relating to Lands Controlled by the State.

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

SECTION 1. Notwithstanding any other law to the contrary, including section 171-50(c), Hawaii Revised Statutes, the board may:

- (1) Exchange, in accordance with section 171-50(a) and (b), Hawaii Revised Statutes; or
- (2) Sell, at fair market value in accordance with section 171-17, Hawaii Revised Statutes,

but not both, by direct negotiation and without recourse to public auction, no more than fifteen acres of public land as defined under section 171-2, Hawaii Revised Statutes, to an eleemosynary organization that has been certified to be tax-exempt under section 501(c)(1) or (3) of the Internal Revenue Code of 1986, as amended, to be used as the site of a community center on the following conditions:

- (1) The lands shall be used by the eleemosynary organization for a community center that shall be made available to the public without regard to race, creed, color, national origin, sex, sexual orientation, or mental or physical handicap;
- (2) The eleemosynary organization shall demonstrate sources of funding sufficient to construct and maintain a multi-purpose community center with sufficient size and facilities to serve a community of twenty-five thousand people, including:

- (A) A major aquatic center with two swimming pools;
 - (B) An athletic complex with a gymnasium that houses a national collegiate athletic association regulation-sized basketball court;
 - (C) A performing arts center;
 - (D) An educational and vocational training center; and
 - (E) At least three hundred parking stalls;
- (3) The major donors contributing to the capital improvements or maintenance of the community center require the eleemosynary organization to own the land in fee simple instead of a lease under section 171-43.1, Hawaii Revised Statutes; and
- (4) If the land is not used or ceases to be used for the purpose set forth in paragraph (1), ownership of the land and any improvements constructed thereon shall revert to the State; provided that any pending liabilities assigned to the property, eleemosynary organization, or other party in effect prior to the reversion shall not be transferred to the State.

SECTION 2. This Act shall take effect on approval; provided that it shall be repealed on December 31, 2010.

(Approved May 29, 2007.)