
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 two new sections to be appropriately
3 designated and to read as follows:

4 "**§171-A 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 set aside pursuant to law for the use of the
9 United States;
10 (3) Land being used for roads and streets;
11 (4) Land to which the United States relinquished the
12 absolute fee and ownership under section 91 of the
13 Hawaiian Organic Act prior to the admission of Hawaii
14 as a state of the United States unless subsequently
15 placed under the control of the board of land and
16 natural resources and given the status of public lands
17 in accordance with the State Constitution, the



- 1 Hawaiian Homes Commission Act, 1920, as amended, or
- 2 other laws;
- 3 (5) Land to which the University of Hawaii holds title;
- 4 (6) Land to which the Hawaii housing finance and
- 5 development corporation in its corporate capacity
- 6 holds title;
- 7 (7) Land to which the department of agriculture holds
- 8 title by way of foreclosure, voluntary surrender, or
- 9 otherwise, to recover moneys loaned or to recover
- 10 debts otherwise owed the department under chapter 167;
- 11 (8) Land that is set aside by the governor to the Aloha
- 12 Tower development corporation; land leased to the
- 13 Aloha Tower development corporation by any department
- 14 or agency of the State; or land to which the Aloha
- 15 Tower development corporation holds title in its
- 16 corporate capacity;
- 17 (9) Land that is set aside by the governor to the
- 18 agribusiness development corporation; land leased to
- 19 the agribusiness development corporation by any
- 20 department or agency of the State; or land to which
- 21 the agribusiness development corporation in its
- 22 corporate capacity holds title; or



1 (10) Land to which the high technology development
2 corporation in its corporate capacity holds title,
3 in fee simple shall be made without the approval of the
4 legislature by at least a two-thirds majority vote of the
5 members to which each house is entitled in a regular or special
6 session at which a concurrent resolution is submitted for
7 introduction to the legislature for review of a sale of public
8 land pursuant to subsection (b).

9 (b) The state department or agency proposing to sell state
10 land shall submit for introduction to the legislature a
11 concurrent resolution for review of any sale of state land. The
12 concurrent resolution shall contain a list of all sales of state
13 land proposed by the state department or agency and shall be
14 submitted with the proposed deed for the sale to be executed by
15 the parties, together with the following information:

16 (1) The location and area of the parcel of land to be
17 sold;

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

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

21 (4) The date of the appraisal valuation;

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



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

3 (c) If the legislature fails to approve the concurrent
4 resolution to authorize the sale of state land under the control
5 of the state department or agency as provided in subsection (a),
6 the transaction shall not be consummated by the state department
7 or agency.

8 **§171-B Exchange of lands under the control of state**
9 **departments and agencies for private land; legislative approval**

10 **required.** (a) Notwithstanding any law to the contrary,
11 including section 171-50(c), but excluding section 171-50(a),
12 (b), and (d), no exchange of:

13 (1) Land defined as public land under section 171-2;

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

16 (3) Land being used for roads and streets;

17 (4) Land to which the United States relinquished the
18 absolute fee and ownership under section 91 of the
19 Hawaiian Organic Act prior to the admission of Hawaii
20 as a state of the United States, unless subsequently
21 placed under the control of the board of land and
22 natural resources and given the status of public lands



1 in accordance with the State Constitution, the
2 Hawaiian Homes Commission Act, 1920, as amended, or
3 other laws;

4 (5) Land to which the University of Hawaii holds title;

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

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

12 (8) Land that is set aside by the governor to the Aloha
13 Tower development corporation; land leased to the
14 Aloha Tower development corporation by any department
15 or agency of the State; or land to which the Aloha
16 Tower development corporation holds title in its
17 corporate capacity;

18 (9) Land that is set aside by the governor to the
19 agribusiness development corporation; land leased to
20 the agribusiness development corporation by any
21 department or agency of the State; or land to which



1 the agribusiness development corporation in its
2 corporate capacity holds title; or
3 (10) Land to which the high technology development
4 corporation in its corporate capacity holds title,
5 shall be made without the approval of the legislature by at
6 least a two-thirds majority vote of the members to which each
7 house is entitled in a regular or special session at which a
8 concurrent resolution is submitted for introduction to the
9 legislature for the review of an exchange pursuant to subsection
10 (b) .

11 (b) The state department or agency proposing the exchange
12 shall submit for introduction to the legislature a concurrent
13 resolution for review of any exchange. The concurrent
14 resolution shall contain a list of all exchanges proposed by the
15 state department or agency and shall be submitted with the
16 proposed exchange deeds for the exchanges to be executed by the
17 parties, together with the following information:

18 (1) The location and area of the parcels of land to be
19 exchanged;
20 (2) The appraisal value of the lands to be conveyed by the
21 State and the private party;



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

3 (4) The date of the appraisal valuation;

4 (5) The purpose for which the parcels of land is being
5 exchanged; and

6 (6) A detailed summary of any development plans for the
7 parcels of land to be exchanged.

8 (c) If the legislature fails to approve the concurrent
9 resolution to authorize the exchange of land for private land as
10 provided in subsection (a), the exchange shall not be
11 consummated by the state department or 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-A or 171-B, 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 disposition in fee, subject to the
20 approval of the legislature pursuant to section
21 171-A and 171-B; and



1 (2) Grant easement by direct negotiation or otherwise for
2 particular purposes in perpetuity on such terms as may
3 be set by the board, subject to reverter to the State
4 upon termination or abandonment of the specific
5 purpose for which it was granted, provided the sale
6 price of such easement shall be determined pursuant to
7 section 171-17(b).

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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2020.



Report Title:

State Lands; Legislative Approval Prior to Sale or Exchange

Description:

Requires legislative approval of any sale or exchange of lands under the control of certain state departments or agencies.

(SB1923 HD2)

