



# UNIVERSITY OF HAWAII SYSTEM

## ‘ŌNAEHANA KULANUI O HAWAII

### Legislative Testimony

### Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the  
Senate Committee on Ways and Means  
March 2, 2023 at 10:30 a.m.

By

Kalbert K. Young

Vice President for Budget and Finance/Chief Financial Officer  
University of Hawai'i System

### SB 330 SD1 – RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

Thank you for the opportunity to testify on this measure, which authorizes the Hawai'i Housing Finance and Development Corporation the right of first refusal for development of state lands within a certain radius of rail transit stations. SB 330 SD1 excludes land of certain agencies, but not those of the University of Hawai'i ("University"). As such, the University recommends that the bill be amended to add those lands owned by the University of Hawai'i as excluded.

The University is the landowner near four of the rail stations that are located adjacent to or on three University campuses. The University has already provided land for the development of the stations, parking areas, guideways, or other rail facilities. The University also has plans to develop its own lands in the transit-oriented development radii.

Article X, section 5, of the Hawai'i State Constitution provides that the University "shall have title to all the real ... property now or hereafter set aside or conveyed to it, which shall be held in public trust for [University] purposes." Also, included in the same article and section, the University is "established as the state university and constituted a body corporate." Under Article X, section 6, of the Hawai'i State Constitution, the University board of regents have "exclusive jurisdiction over the internal structure, management, and operation of the university." This bill constitutes an infringement on the land owned by the University, a usurpation of the University's governance, and is tantamount to a taking of land rights.

I recommend that SB 330 SD1 be amended on page 1, line10, by adding the University of Hawai'i. Below is a suggested amendment:

*"§201H- Right of first refusal; development. (a) Notwithstanding any law to the contrary, the corporation shall have the right of first refusal for the*

*development of property, in accordance with section 201H-12, for all development on state lands that are within a one-half mile radius of a rail transit station, excluding lands and properties owned or operated by the Hawaii public housing authority, **the University of Hawaii**, or the department of Hawaiian home lands and the stadium development district established pursuant to part IX of chapter 206E; provided that the right of first refusal shall be triggered by a proposed development or proposed transfer of any fee simple or leasehold property interest in lands that are within a one-half mile radius of a rail transit station."*

Thank you for the opportunity to testify on this measure.