

JAN 25 2010

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# 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. The legislature has determined that Act 176,  
2 Session Laws of Hawaii 2009, which imposes legislative oversight  
3 on sales and gifts of most state-owned lands, should apply only  
4 to ceded lands and should not apply to lands controlled by the  
5 State that are not lands that were government or crown lands  
6 prior to August 15, 1895, or lands exchanged for such lands  
7 subsequent to that date.

8           Accordingly, this Act repeals those portions of Act 176  
9 that changed the law regarding lands controlled by the State  
10 that are not ceded lands. The legislative oversight prescribed  
11 by Act 176 shall continue to be applicable to lands that are  
12 ceded lands.

13           SECTION 2. Section 171-64.7, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15           "(a) This section applies to all lands or interest therein  
16 owned or under the control of state departments and agencies  
17 classed as government or crown lands previous to August 15,  
18 1895, [~~or acquired or reserved by the government upon or~~



1 ~~subsequent to that date by purchase, exchange, escheat, or the~~  
2 ~~exercise of the right of eminent domain, or any other manner,~~  
3 ~~including accreted lands not otherwise awarded, submerged lands,~~  
4 ~~and lands beneath tidal waters which are suitable for~~  
5 ~~reclamation, together with reclaimed lands which have been given~~  
6 ~~the status of public lands under this chapter, including:~~

7       ~~(1) Land set aside pursuant to law for the use of the~~  
8           ~~United States;~~

9       ~~(2) Land to which the United States relinquished the~~  
10           ~~absolute fee and ownership under section 91 of the~~  
11           ~~Organic Act prior to the admission of Hawaii as a~~  
12           ~~state of the United States;~~

13       ~~(3) Land to which the University of Hawaii holds title;~~

14       ~~(4) Land to which the Hawaii housing finance and~~  
15           ~~development corporation in its corporate capacity~~  
16           ~~holds title;~~

17       ~~(5) Land to which the department of agriculture holds~~  
18           ~~title by way of foreclosure, voluntary surrender, or~~  
19           ~~otherwise, to recover moneys loaned or to recover~~  
20           ~~debts otherwise owed the department under chapter 167;~~

21       ~~(6) Land that is set aside by the governor to the Aloha~~  
22           ~~Tower development corporation; or land to which the~~



1 ~~Aloha Tower development corporation holds title in its~~  
2 ~~corporate capacity;~~

3 ~~(7) Land that is set aside by the governor to the~~  
4 ~~agribusiness development corporation; or land to which~~  
5 ~~the agribusiness development corporation in its~~  
6 ~~corporate capacity holds title; and~~

7 ~~(8) Land to which the high technology development~~  
8 ~~corporation in its corporate capacity holds title.]~~

9 and lands exchanged subsequent to August 15, 1895, for lands  
10 classed as government or crown lands previous to August 15,  
11 1895."

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 upon its approval.

15

INTRODUCED BY: \_\_\_\_\_

  
By Request



**Report Title:**

Lands Controlled by the State

**Description:**

Restores the law with regard to non-ceded lands controlled by the State, to what it was prior to the passage of Act 176, Session Laws of Hawaii 2009.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

