

JAN 25 2017

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**A BILL FOR AN ACT**

RELATING TO PUBLIC LANDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 171-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§171-2 Definition of public lands. "Public lands" means  
4 all lands or interest therein in the State classed as government  
5 or crown lands previous to August 15, 1895, or acquired or  
6 reserved by the government upon or subsequent to that date by  
7 purchase, exchange, escheat, or the exercise of the right of  
8 eminent domain, or in any other manner; including lands accreted  
9 after May 20, 2003, and not otherwise awarded, submerged lands,  
10 and lands beneath tidal waters that are suitable for  
11 reclamation, together with reclaimed lands that have been given  
12 the status of public lands under this chapter, except:

- 13           (1) Lands designated in section 203 of the Hawaiian Homes  
14           Commission Act, 1920, as amended;
- 15           (2) Lands set aside pursuant to law for the use of the  
16           United States;
- 17           (3) Lands being used for roads and streets;

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- 1           (4) Lands to which the United States relinquished the  
2           absolute fee and ownership under section 91 of the  
3           Hawaiian Organic Act prior to the admission of Hawaii  
4           as a state of the United States unless subsequently  
5           placed under the control of the board of land and  
6           natural resources and given the status of public lands  
7           in accordance with the state constitution, the  
8           Hawaiian Homes Commission Act, 1920, as amended, or  
9           other laws;
- 10          (5) Lands to which the University of Hawaii holds title;
- 11          (6) Lands to which the Hawaii housing finance and  
12          development corporation in its corporate capacity  
13          holds title;
- 14          (7) Lands to which the Hawaii community development  
15          authority in its corporate capacity holds title;
- 16          (8) Lands to which the Hawaii public housing authority in  
17          its corporate capacity holds title;
- 18          ~~(9)~~ (9) Lands to which the department of agriculture  
19          holds title by way of foreclosure, voluntary  
20          surrender, or otherwise, to recover moneys loaned or  
21          to recover debts otherwise owed the department under  
22          chapter 167;

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1           ~~[(9)]~~ (10) Lands that are set aside by the governor to  
2           the Aloha Tower development corporation; lands leased  
3           to the Aloha Tower development corporation by any  
4           department or agency of the State; or lands to which  
5           the Aloha Tower development corporation holds title in  
6           its corporate capacity;

7           ~~[(10)]~~ (11) Lands that are set aside by the governor to  
8           the agribusiness development corporation; lands leased  
9           to the agribusiness development corporation by any  
10          department or agency of the State; or lands to which  
11          the agribusiness development corporation in its  
12          corporate capacity holds title; and

13          ~~[(11)]~~ (12) Lands to which the high technology development  
14          corporation in its corporate capacity holds title;  
15          provided that, except as otherwise limited under federal law and  
16          except for state land used as an airport as defined in section  
17          262-1, public lands shall include the air rights over any  
18          portion of state land upon which a county mass transit project  
19          is developed after July 11, 2005."

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1 SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

6

BY REQUEST

7

**SB. NO.**

**966**

**Report Title:**

Public Lands; Hawaii Public Housing Authority Lands Exemption

**Description:**

Exempts lands to which Hawaii Public Housing Authority holds title from the definition of "public lands" in section 171-2, Hawaii Revised Statutes.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaii Public Housing Authority (Human Services)

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC LANDS.

PURPOSE: To exempt Hawaii Public Housing Authority (HPHA) titled lands from the definition of "public lands".

MEANS: Amend section 171-2, Hawaii Revised Statutes (HRS).

JUSTIFICATION: HPHA titled lands were previously exempted from section 171-2, HRS, when the lands were held by HPHA's predecessor agency the Housing and Community Development Corporation of Hawaii (HCDCH). After the HCDCH bifurcated into two separate agencies - the HPHA and the Hawaii Housing Finance and Development Corporation (HHFDC) - an exemption for HPHA titled lands was inadvertently not included in the list of lands exempted from section 171-2, HRS. HPHA is authorized to acquire, own, and hold real property and, therefore, its titled lands do not fall under the catchall jurisdiction of state "public lands" under the Department of Land and Natural Resources (DLNR). Unless exempted from the definition of "public lands" under section 171-2, HRS, DLNR could manage, control, or administer HPHA titled lands in conflict with HPHA's powers under chapter 356D, HRS, and with HPHA's federal Annual Contributions Contract with the United States of America.

Impact on the public: There should be a positive impact on the public as this measure will clarify the jurisdiction over HPHA titled lands.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HMS 220; HMS 229.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.