

JAN 19 2018

A BILL FOR AN ACT

RELATING TO THE BOARD OF EDUCATION.

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

1 SECTION 1. The legislature finds that some lands
2 designated for library use are underutilized, while old library
3 facilities are in need of upgrade and repair. The State and
4 board of education could benefit from partnering with private
5 developers to develop the underutilized land to create mixed use
6 developments that include modern libraries, increasing the use
7 of state land in creative ways. However, multiple layers of
8 ownership make it difficult to find developers interested in
9 partnering with the State and board of education to improve the
10 land.

11 The purpose of this Act is to give the board of education
12 the statutory authority to hold title to lands designated for
13 library use, with the intent of removing a layer of ownership
14 that has discouraged developers from partnering with the board
15 of education to improve the land and facilities.

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



1 **"§171-2 Definition of public lands.** "Public lands" means
2 all lands or interest therein in the State classed as government
3 or crown lands previous to August 15, 1895, or acquired or
4 reserved by the government upon or subsequent to that date by
5 purchase, exchange, escheat, or the exercise of the right of
6 eminent domain, or in any other manner; including lands accreted
7 after May 20, 2003, and not otherwise awarded, submerged lands,
8 and lands beneath tidal waters that are suitable for
9 reclamation, together with reclaimed lands that have been given
10 the status of public lands under this chapter, except:

11 (1) Lands designated in section 203 of the Hawaiian Homes
12 Commission Act, 1920, as amended;

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

15 (3) Lands being used for roads and streets;

16 (4) Lands to which the United States relinquished the
17 absolute fee and ownership under section 91 of the
18 Hawaiian Organic Act prior to the admission of Hawaii
19 as a state of the United States unless subsequently
20 placed under the control of the board of land and
21 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) Lands to which the University of Hawaii holds title;

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

8 (7) Lands to which the Hawaii community development
9 authority in its corporate capacity holds title;

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

14 (9) Lands that are set aside by the governor to the Aloha
15 Tower development corporation; lands leased to the
16 Aloha Tower development corporation by any department
17 or agency of the State; or lands to which the Aloha
18 Tower development corporation holds title in its
19 corporate capacity;

20 (10) Lands that are set aside by the governor to the
21 agribusiness development corporation; lands leased to



1 the agribusiness development corporation by any
2 department or agency of the State; or lands to which
3 the agribusiness development corporation in its
4 corporate capacity holds title; [and]

5 (11) Lands to which the high technology development
6 corporation in its corporate capacity holds title; and

7 (12) Lands to which the board of education holds title;

8 provided that, except as otherwise limited under federal law and
9 except for state land used as an airport as defined in section
10 262-1, public lands shall include the air rights over any
11 portion of state land upon which a county mass transit project
12 is developed after July 11, 2005."

13 SECTION 3. Section 312-1, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§312-1 **Duties of the board of education.** The board of
16 education shall care for, manage, hold title to, and control all
17 property set apart, donated, loaned to, or in any manner
18 acquired for the use of libraries; receive, care for, expend,
19 and account for any money which may be received for the purpose
20 of erecting buildings for libraries or for any other purposes of
21 the libraries."



S.B. NO. 2389

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Michelle D. Leland

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S.B. NO. 2389

Report Title:

Board of Education; Hawaii State Public System; Library; Lands;
Title

Description:

Gives the board of education authority to hold title to all
lands acquired for the use of libraries. Makes conforming
amendments.

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not legislation or evidence of legislative intent.*

