
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;



- 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
7 lands 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 [~~(8)~~] (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



1 to recover debts otherwise owed the department under
2 chapter 167;

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

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

15 ~~[(11)]~~ (12) Lands to which the ~~[high]~~ Hawaii technology
16 development corporation in its corporate capacity
17 holds title;

18 provided that, except as otherwise limited under federal law and
19 except for state land used as an airport as defined in section
20 262-1, public lands shall include the air rights over any



1 portion of state land upon which a county mass transit project
2 is developed after July 11, 2005."

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

5 "(a) This section applies to all lands or interest therein
6 owned or under the control of state departments and agencies
7 classed as government or crown lands previous to August 15,
8 1895, or acquired or reserved by the government upon or
9 subsequent to that date by purchase, exchange, escheat, or the
10 exercise of the right of eminent domain, or any other manner,
11 including accreted lands not otherwise awarded, submerged lands,
12 and lands beneath tidal waters that are suitable for
13 reclamation, together with reclaimed lands that have been given
14 the status of public lands under this chapter, including:

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

17 (2) Land to which the United States relinquished the
18 absolute fee and ownership under section 91 of the
19 Organic Act prior to the admission of Hawaii as a
20 state of the United States;

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



- 1 (4) Land to which the Hawaii housing finance and
2 development corporation in its corporate capacity
3 holds title;
- 4 (5) Land to which the department of agriculture holds
5 title by way of foreclosure, voluntary surrender, or
6 otherwise, to recover moneys loaned or to recover
7 debts otherwise owed the department under chapter 167;
- 8 (6) Land that is set aside by the governor to the Aloha
9 Tower development corporation; or land to which the
10 Aloha Tower development corporation holds title in its
11 corporate capacity;
- 12 (7) Land that is set aside by the governor to the
13 agribusiness development corporation; or land to which
14 the agribusiness development corporation in its
15 corporate capacity holds title; [~~and~~]
- 16 (8) Land to which the Hawaii technology development
17 corporation in its corporate capacity holds title[-];
18 and
- 19 (9) Land to which the Hawaii public housing authority in
20 its corporate capacity holds title."

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Public Lands; Hawaii Public Housing Authority; Exclusion;
Legislative Approval for Sale or Gift of Lands

Description:

Excludes from the definition of "public lands" lands to which the Hawaii public housing authority in its corporate capacity holds title. Requires legislative approval of the sale or gift of lands to which the Hawaii public housing authority in its corporate capacity holds title. (SD1)

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