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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;



- 1           (4) Lands to which the United States relinquished the
- 2           absolute fee and ownership finder 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 that are set aside by the governor to the Hawaii
- 12           housing finance and development corporation, lands
- 13           leased to the Hawaii housing finance and development
- 14           corporation by any department or agency of the State,
- 15           or lands to which the Hawaii housing finance and
- 16           development corporation in its corporate capacity
- 17           holds title;
- 18          (7) Lands to which the Hawaii community development
- 19           authority in its corporate capacity holds title;
- 20          (8) Lands set aside by the governor to the Hawaii public
- 21           housing authority or lands to which the Hawaii public



- 1           housing authority in its corporate capacity holds  
2           title;
- 3           (9) Lands to which the department of agriculture holds  
4           title by way of foreclosure, voluntary surrender, or  
5           otherwise, to recover moneys loaned or to recover  
6           debts otherwise owed the department under chapter 167;
- 7           (10) Lands that are set aside by the governor to the Aloha  
8           Tower development corporation; lands leased to the  
9           Aloha Tower development corporation by any department  
10          or agency of the State; or lands to which the Aloha  
11          Tower development corporation holds title in its  
12          corporate capacity;
- 13          (11) Lands that are set aside by the governor to the  
14          agribusiness development corporation; lands leased to  
15          the agribusiness development corporation by any  
16          department or agency of the State; or lands to which  
17          the agribusiness development corporation in its  
18          corporate capacity holds title;
- 19          (12) Lands to which the Hawaii technology development  
20          corporation in its corporate capacity holds title; and



1           (13) Lands to which the department of education holds  
2                   title;  
3 provided that, except as otherwise limited under federal law and  
4 except for state land used as an airport as defined in section  
5 262-1, public lands shall include the air rights over any  
6 portion of state land upon which a county mass transit project  
7 is developed after July 11, 2005."

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

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

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



- 1 (2) Land to which the United States relinquished the  
2 absolute fee and ownership under section 91 of the  
3 Organic Act prior to the admission of Hawaii as a  
4 state of the United States;
- 5 (3) Land to which the University of Hawaii holds title;
- 6 (4) Land that is set aside by the governor to the Hawaii  
7 housing finance and development corporation, lands  
8 leased to the Hawaii housing finance and development  
9 corporation by any department or agency of the State,  
10 or lands to which the Hawaii housing finance and  
11 development corporation in its corporate capacity  
12 holds title;
- 13 (5) Land to which the department of agriculture holds  
14 title by way of foreclosure, voluntary surrender, or  
15 otherwise, to recover moneys loaned or to recover  
16 debts otherwise owed the department under chapter 167;
- 17 (6) Land that is set aside by the governor to the Aloha  
18 Tower development corporation; or land to which the  
19 Aloha Tower development corporation holds title in its  
20 corporate capacity;



- 1 (7) Land that is set aside by the governor to the
- 2 agribusiness development corporation; or land to which
- 3 the agribusiness development corporation in its
- 4 corporate capacity holds title;
- 5 (8) Land to which the Hawaii technology development
- 6 corporation in its corporate capacity holds title;
- 7 (9) Land to which the department of education holds title;
- 8 and
- 9 (10) Land to which the Hawaii public housing authority in
- 10 its corporate capacity holds title."

11 SECTION 3. Section 201H-9, Hawaii Revised Statutes, is  
 12 amended by amending subsection (a) to read as follows:

13 "(a) The corporation may acquire any real or personal  
 14 property or interest therein by purchase, exchange, gift, grant,  
 15 lease, or other means from any person or government to provide  
 16 housing. Exchange of real property shall be in accordance with  
 17 section 171-50. Any lands leased to the corporation by any  
 18 department or agency of the State that is no longer needed for  
 19 housing, finance, or development pursuant to this chapter shall  
 20 be returned to the department or agency of the State that leased  
 21 the lands to the corporation."



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Public Lands; Hawaii Housing Finance and Development Corporation

**Description:**

Clarifies that lands set aside to the Hawaii housing finance and development corporation by the governor or leased to the corporation by other state departments and agencies are exempt from the definition of "public lands". Requires the Hawaii housing finance and development corporation to dispose of public lands pursuant to chapter 171, Hawaii Revised Statutes. Clarifies that lands set aside by the governor or leased to the Hawaii housing finance development corporation from other state agencies are subject to legislative approval prior to the sale or gift of those lands. (Proposed SD1)

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

