

JAN 24 2019

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 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 to which the department of agriculture holds
21 title by way of foreclosure, voluntary surrender, or

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1 otherwise, to recover moneys loaned or to recover
2 debts otherwise owed the department under chapter 167;
3 (9) Lands that are set aside by the governor to the Aloha
4 Tower development corporation; lands leased to the
5 Aloha Tower development corporation by any department
6 or agency of the State; or lands to which the Aloha
7 Tower development corporation holds title in its
8 corporate capacity;
9 (10) 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;
15 (11) Lands to which the Hawaii technology development
16 corporation in its corporate capacity holds title; and
17 (12) Lands to which the department of education 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
21 portion of state land upon which a county mass transit project
22 is developed after July 11, 2005."

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1 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: *Allen D. Wright*

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BY REQUEST

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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."

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

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JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

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

PURPOSE: To exempt lands set aside to the Hawaii Housing Finance and Development Corporation (HHFDC) by Executive Order (E.O.) or leased to it by other State departments or agencies from the definition of "public lands."

MEANS: Amend section 171-2(6), Hawaii Revised Statutes.

JUSTIFICATION: This bill clarifies that lands set aside to the HHFDC by E.O. or leased to the HHFDC by other State departments or agencies are no longer "public lands" subject to the jurisdiction of the Department of Land and Natural Resources. Said clarification is needed to allow HHFDC to proceed with plans to facilitate mixed-use transit-oriented developments on State lands, especially those located within one-half mile of the Honolulu rail transit line.

Impact on the public: Will ensure that HHFDC's jurisdiction over suitable State lands set aside to it by E.O. or leased to it by other State departments or agencies is clear.

Impact on the department and other agencies: Minimal.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: BED 160.

OTHER AFFECTED AGENCIES: Department of Land and Natural Resources.

EFFECTIVE DATE: Upon approval.