

S .B. NO. 2853

JAN 23 2020

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 set aside by the governor to the Hawaii housing
12 finance and development corporation for the primary
13 purpose of developing affordable housing or lands to
14 which the Hawaii housing finance and development
15 corporation in its corporate capacity holds title;
- 16 (7) Lands to which the Hawaii community development
17 authority in its corporate capacity holds title;
- 18 (8) Lands set aside by the governor to the Hawaii public
19 housing authority or lands to which the Hawaii public
20 housing authority in its corporate capacity holds
21 title;

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- 1 (9) Lands to which the department of agriculture holds
2 title by way of foreclosure, voluntary surrender, or
3 otherwise, to recover moneys loaned or to recover
4 debts otherwise owed the department under chapter 167;
- 5 (10) Lands that are set aside by the governor to the Aloha
6 Tower development corporation; lands leased to the
7 Aloha Tower development corporation by any department
8 or agency of the State; or lands to which the Aloha
9 Tower development corporation holds title in its
10 corporate capacity;
- 11 (11) Lands that are set aside by the governor to the
12 agribusiness development corporation; lands leased to
13 the agribusiness development corporation by any
14 department or agency of the State; or lands to which
15 the agribusiness development corporation in its
16 corporate capacity holds title;
- 17 (12) Lands to which the Hawaii technology development
18 corporation in its corporate capacity holds title; and
- 19 (13) Lands to which the department of education holds title;
20 provided that, except as otherwise limited under federal law and
21 except for state land used as an airport as defined in section
22 262-1, public lands shall include the air rights over any

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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;

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

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1 (10) Land to which the Hawaii public housing authority in
2 its corporate capacity holds title."

3 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

M. M. M.

7

BY REQUEST

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Report Title:

Public lands; Hawaii Housing Finance and Development Corporation

Description:

Exempts lands set aside by the Governor to the Hawaii Housing Finance and Development Corporation for the primary purpose of developing affordable housing from classification as public land subject to Department of Land and Natural Resources management. Requires lands set aside by the Governor to the Hawaii Housing Finance Development Corporation for the primary purpose of developing affordable housing to be subject to legislative approval prior to the sale or gift of those 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.) for the primary purpose of affordable housing from the definition of "public lands."

MEANS: Amend sections 171-2 and 171-64.7, Hawaii Revised Statutes.

JUSTIFICATION: This bill clarifies that lands set aside to the HHFDC by E.O. for the primary purpose of affordable housing development are not "public lands" subject to the jurisdiction of the Department of Land and Natural Resources. This exemption will streamline the development process for affordable housing by reducing the number of approvals required for projects located on state lands set aside to HHFDC.

Impact on the public: Will ensure that HHFDC's jurisdiction over suitable state lands set aside to it by E.O. 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.