
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 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; provided that the Hawaii housing finance
18 and development corporation shall dispose of lands
19 pursuant to this paragraph or any improvements thereon
20 to the public on the same terms, conditions,



1 restrictions, and uses applicable to the disposition
2 of public lands pursuant to this chapter;

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



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

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

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



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



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

10 SECTION 3. New statutory material is underscored.

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

12



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. (SD1)

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