

JAN 21 2022

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# A BILL FOR AN ACT

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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;



(4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the state constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;

(5) Lands to which the University of Hawaii holds title;

(6) ~~[Lands]~~ Non-ceded lands set aside by the governor to the Hawaii housing finance and development corporation or lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title;

(7) Lands to which the Hawaii community development authority in its corporate capacity holds title;

(8) Lands set aside by the governor to the Hawaii public housing authority or lands to which the Hawaii public housing authority in its corporate capacity holds title;



- 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;
- 19          (13)   Lands to which the department of education holds  
20                   title;
- 21          (14)   Lands to which the stadium authority holds title; and



1    [+] (15) [+] Lands to which the school facilities authority 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; provided further that if the  
8    lands pursuant to paragraph (14) are no longer needed for the  
9    stadium development district or related purposes, the lands  
10   shall be returned to the public land trust administered by the  
11   department."

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

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



reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, including:

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

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

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

(4) ~~[Land]~~ Non-ceded lands set aside by the governor to the Hawaii housing and finance development corporation or lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title;

(5) Land to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;

(6) Land that is set aside by the governor to the Aloha 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;

9 (9) Land to which the department of education holds title;

10 (10) Land to which the Hawaii public housing authority in  
11 its corporate capacity holds title;

12 (11) Land to which the stadium authority holds title; and

13 [4] (12) [4] Land to which the school facilities authority holds  
14 title."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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

18 INTRODUCED BY: 



# S.B. NO. 2583

**Report Title:**

Hawaii Housing Finance and Development Corporation; Ceded Lands;  
Public Lands

**Description:**

Exempts lands set aside by the Governor to the Hawaii Housing and Finance Development Corporation from classification as public land subject to Department of Land and Natural Resources management; provided that the lands are not ceded lands.

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

