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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 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 to which the Hawaii housing finance and  
12               development corporation in its corporate capacity  
13               holds title;

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

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

20          ~~[(8)]~~ (9)   Lands to which the department of agriculture  
21               holds title by way of foreclosure, voluntary



1           surrender, or otherwise, to recover moneys loaned or  
2           to recover debts otherwise owed the department under  
3           chapter 167;

4       ~~[(+9)]~~ (10) Lands that are set aside by the governor to the  
5           Aloha Tower development corporation; lands leased to  
6           the Aloha Tower development corporation by any  
7           department or agency of the State; or lands to which  
8           the Aloha Tower development corporation holds title in  
9           its corporate capacity;

10       ~~[(+10)]~~ (11) Lands that are set aside by the governor to the  
11           agribusiness development corporation; lands leased to  
12           the agribusiness development corporation by any  
13           department or agency of the State; or lands to which  
14           the agribusiness development corporation in its  
15           corporate capacity holds title; and

16       ~~[(+11)]~~ (12) Lands to which the Hawaii technology development  
17           corporation in its corporate capacity 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



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;



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



1           public housing authority in its corporate capacity  
2           holds title."

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

5           SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Public Lands; Hawaii Public Housing Authority Lands Exemption

**Description:**

Excludes from the definition of "public lands" 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. Requires legislative approval of the sale or gift of 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. Takes effect on 01/01/2050. (SD1)

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

