
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 set aside by the governor to the Hawaii housing
12 finance and development corporation, lands leased to
13 the Hawaii housing finance and development corporation
14 by any department or agency of the State, or land to
15 which the Hawaii housing finance and development
16 corporation in its corporate capacity holds title;
- 17 (7) Lands to which the Hawaii community development
18 authority in its corporate capacity holds title;
- 19 (8) Lands set aside by the governor to the Hawaii public
20 housing authority or lands to which the Hawaii public



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



1 (13) Lands to which the department of education 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."

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

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

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



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



1 which the agribusiness development corporation in its
2 corporate capacity holds title;

3 (8) Land to which the Hawaii technology development
4 corporation in its corporate capacity holds title;

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

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

9 SECTION 3. Section 201H-9, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The corporation may acquire any real or personal
12 property or interest therein by purchase, exchange, gift, grant,
13 lease, or other means from any person or government to provide
14 housing. Exchange of real property shall be in accordance with
15 section 171-50. Any lands leased or set aside to the
16 corporation by any department or agency of the State that are no
17 longer needed for housing, finance, or development pursuant to
18 this chapter shall be returned to the department or agency of
19 the State that leased or approved the set aside of the lands to
20 the corporation."



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

3 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Public Lands; Hawaii Housing Finance and Development Corporation

Description:

Exempts land set aside by the governor to HHFDC and lands leased to HHFDC from other state departments or agencies from classification as public lands subject to DLNR management. Requires the land to be subject to legislative approval prior to the sale or gift of those lands. Requires HHFDC to return any land set aside by the governor or leased lands no longer needed for housing, finance, or development. (SD1)

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

