

JAN 27 2021

---

# 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;

S.B. NO. 1056

- 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  
21          housing authority in its corporate capacity holds  
22          title;

S.B. NO. 1056

- 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

**S.B. NO. 1056**

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;

S.B. NO. 1056

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

S.B. NO. 1056

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

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

5 "(a) The corporation may acquire any real or personal  
6 property or interest therein by purchase, exchange, gift, grant,  
7 lease, or other means from any person or government to provide  
8 housing. Exchange of real property shall be in accordance with  
9 section 171-50. Any lands leased to the corporation by any  
10 department or agency of the State that is no longer needed for  
11 housing, finance, or development pursuant to this chapter shall  
12 be returned to the department or agency of the State that leased  
13 the lands to the corporation."

14 SECTION 4. New statutory material is underscored.

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

16

17

INTRODUCED BY: 

18

BY REQUEST

S.B. NO. 1056

**Report Title:**

Public lands; Hawaii Housing Finance and Development Corporation

**Description:**

Exempts land set aside by the Governor to the Hawaii Housing Finance and Development Corporation and lands leased to the Hawaii Housing Finance and Development Corporation from other State departments or agencies from classification as public land subject to Department of Land and Natural Resources management. Requires said land to be subject to legislative approval prior to the sale or gift of those lands. Requires the Hawaii Housing Finance and Development Corporation to return any leased lands no longer needed for housing, finance or development under Chapter 201H, Hawaii Revised Statutes.

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

# SB. NO. 1056

## 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.) or leased by HHFDC from a State department or agency from the definition of "public lands."

MEANS: Amend sections 171-2, 171-64.7, and 201H-9(a), Hawaii Revised Statutes.

JUSTIFICATION: This bill clarifies that lands set aside to the HHFDC by E.O. or leased from another State department or agency 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.