
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~~] before the admission
4 of Hawaii as a state of the United States unless
5 subsequently placed under the control of the board of
6 land and natural resources and given the status of
7 public lands in accordance with the state
8 constitution, the Hawaiian Homes Commission Act, 1920,
9 as amended, or other laws;
- 10 (5) Lands to which the University of Hawaii holds title;
- 11 (6) [~~Lands~~] Non-ceded lands set aside by the governor to
12 the Hawaii housing finance and development corporation
13 or lands to which the Hawaii housing finance and
14 development corporation in its corporate capacity
15 holds title;
- 16 (7) Lands to which the Hawaii community development
17 authority in its corporate capacity holds title;
- 18 (8) Lands set aside by the governor to the Hawaii public
19 housing authority or lands to which the Hawaii public
20 housing authority in its corporate capacity holds
21 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 (6) are no longer needed for housing
9 finance and development purposes, the lands shall be returned to
10 the agency from which they were obtained; provided further that
11 if the lands pursuant to paragraph (14) are no longer needed for
12 the stadium development district or related purposes, the lands
13 shall be returned to the public land trust administered by the
14 department."

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

17 "(a) This section applies to all lands or interest therein
18 owned or under the control of state departments and agencies
19 classed as government or crown lands previous to August 15,
20 1895, or acquired or reserved by the government upon or
21 subsequent to that date by purchase, exchange, escheat, or the



1 exercise of the right of eminent domain, or any other manner,
2 including accreted lands not otherwise awarded, submerged lands,
3 and lands beneath tidal waters that are suitable for
4 reclamation, together with reclaimed lands that have been given
5 the status of public lands under this chapter, including:

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

8 (2) Land to which the United States relinquished the
9 absolute fee and ownership under section 91 of the
10 Organic Act [~~prior to~~] before the admission of Hawaii
11 as a state of the United States;

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

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

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



1 (6) Land that is set aside by the governor to the Aloha
2 Tower development corporation or land to which the
3 Aloha Tower development corporation holds title in its
4 corporate capacity;

5 (7) Land that is set aside by the governor to the
6 agribusiness development corporation or land to which
7 the agribusiness development corporation in its
8 corporate capacity holds title;

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

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

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

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

15 [+](12)[+] Land to which the school facilities authority holds
16 title."

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

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



Report Title:

HHFDC; Non-ceded Lands; Public Lands Exception

Description:

Exempts non-ceded lands set aside by the governor to the Hawaii housing finance and development corporation from classification as public land. (HD1)

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