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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]~~ 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 the admission of Hawaii as a  
11 state of the United States;

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

13 (4) ~~Land~~ Non-ceded lands set aside by the governor to  
14 the Hawaii housing and finance development corporation  
15 or lands 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.

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**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. (SD1)

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not legislation or evidence of legislative intent.*

