S.B. NO. 3148

JAN 2 8 2026

A BILL FOR AN ACT

RELATING TO THE USE OF PUBLIC LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 171-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

""Public uses" means the use of land by a state agency, whether directly or through lease, land license, permit, or other agreement, in a manner that supports its functions that includes but shall not be limited to all uses described in section 171-10."

SECTION 2. New statutory material is underscored.

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

INTRODUCED BY: _____

BY REQUEST

LNR-04(26)

S.B. NO. 3148

Report Title:
Public Lands; Definition of Public Uses

Description:
Defines public uses of public lands as uses by an agency either directly or through disposition, that support the agency's functions including but not limited to the uses described in section 171-10, HRS.

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. 3148

JUSTIFICATION SHEET

DEPARTMENT: LAND AND NATURAL RESOURCES

TITLE: A BILL FOR AN ACT RELATING TO THE USE OF PUBLIC LANDS.

PURPOSE: To specify that public uses of public lands include uses by an agency either directly or through disposition, that support the agency's functions and are consistent with the uses described in section 171-10, Hawaii Revised Statutes (HRS).

MEANS: Amend section 171-1, HRS.

JUSTIFICATION: The Board of Land and Natural Resources (Board) has an obligation to ensure that the use of public lands is consistent with the public trust. As part of that obligation, the Board must balance any proposed private use against a presumption in favor of public use. However, there is no definition of what constitutes "public use".

This bill seeks to define "public uses" as any use by an agency, either directly or through a disposition, that supports the agency's functions including but not limited to the uses described in section 171-10, HRS. Such clarification is needed to dispel the assumption that public use of lands requires lands to be left vacant and undeveloped, solely for access and recreational purposes. There are numerous public uses of land that prohibit public access and recreation, such as airports, harbors, schools, hospitals, and public housing. This bill seeks to clarify that uses beyond access and recreational purposes would be consistent with the public trust.

Impact on the public: The public may be prohibited from accessing and utilizing public lands in instances where it would conflict with the managing agency's functions.

Impact on the department and other agencies: This bill would assist the Department and other agencies that manage public lands.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: State agencies that manage public lands.

EFFECTIVE DATE: Upon approval.