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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 to which the Hawaii housing finance and  
12          development corporation in its corporate capacity  
13          holds title;
- 14          (7) Lands to which the Hawaii community development  
15          authority in its corporate capacity holds title;
- 16          (8) Lands to which the Hawaii public housing authority in  
17          its corporate capacity holds title;
- 18          ~~(8)~~ (9) Lands to which the department of agriculture  
19          holds title by way of foreclosure, voluntary  
20          surrender, or otherwise, to recover moneys loaned or



1 to recover debts otherwise owed the department under  
2 chapter 167;

3 ~~[(9)]~~ (10) Lands that are set aside by the governor to the  
4 Aloha Tower development corporation; lands leased to  
5 the Aloha Tower development corporation by any  
6 department or agency of the State; or lands to which  
7 the Aloha Tower development corporation holds title in  
8 its corporate capacity;

9 ~~[(10)]~~ (11) Lands that are set aside by the governor to the  
10 agribusiness development corporation; lands leased to  
11 the agribusiness development corporation by any  
12 department or agency of the State; or lands to which  
13 the agribusiness development corporation in its  
14 corporate capacity holds title; and

15 ~~[(11)]~~ (12) Lands to which the high technology development  
16 corporation in its corporate capacity holds title;  
17 provided that, except as otherwise limited under federal law and  
18 except for state land used as an airport as defined in section  
19 262-1, public lands shall include the air rights over any  
20 portion of state land upon which a county mass transit project  
21 is developed after July 11, 2005."



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 Statutory material to be repealed is bracketed  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

3 SECTION 3. This Act shall take effect upon its approval.  
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**Report Title:**

Public Lands; Hawaii Public Housing Authority Exemption

**Description:**

Exempts lands to which Hawaii Public Housing Authority holds title from the definition of "public lands" in section 171-2, Hawaii Revised Statutes. (SD1)

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

