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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 that are set aside by the governor to the Hawaii  
17          public housing authority or lands to which the Hawaii  
18          public housing authority in its corporate capacity  
19          holds title;
- 20          [~~(8)~~] (9) Lands to which the department of agriculture  
21          holds title by way of foreclosure, voluntary



1           surrender, or otherwise, to recover moneys loaned or  
2           to recover debts otherwise owed the department under  
3           chapter 167;

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

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

16       ~~[(11)]~~ (12) Lands to which the Hawaii technology development  
17           corporation in its corporate capacity holds title;

18       (13) Lands to which the department of education holds  
19           title;

20       (14) Lands to which the Hawaii state public library system  
21           holds title; and



1        (15) Lands to which the Hawaii health systems corporation  
2                in its corporate capacity holds 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."

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

10        "(a) This section applies to all lands or interest therein  
11 owned or under the control of state departments and agencies  
12 classed as government or crown lands previous to August 15,  
13 1895, or acquired or reserved by the government upon or  
14 subsequent to that date by purchase, exchange, escheat, or the  
15 exercise of the right of eminent domain, or any other manner,  
16 including accreted lands not otherwise awarded, submerged lands,  
17 and lands beneath tidal waters that are suitable for  
18 reclamation, together with reclaimed lands that have been given  
19 the status of public lands under this chapter, including:

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



- 1           (2) Land to which the United States relinquished the  
2           absolute fee and ownership under section 91 of the  
3           Organic Act prior to the admission of Hawaii as a  
4           state of the United States;
- 5           (3) Land to which the University of Hawaii holds title;
- 6           (4) Land to which the Hawaii housing finance and  
7           development corporation in its corporate capacity  
8           holds title;
- 9           (5) Land to which the department of agriculture holds  
10          title by way of foreclosure, voluntary surrender, or  
11          otherwise, to recover moneys loaned or to recover  
12          debts otherwise owed the department under chapter 167;
- 13          (6) Land that is set aside by the governor to the Aloha  
14          Tower development corporation; or land to which the  
15          Aloha Tower development corporation holds title in its  
16          corporate capacity;
- 17          (7) Land that is set aside by the governor to the  
18          agribusiness development corporation; or land to which  
19          the agribusiness development corporation in its  
20          corporate capacity holds title; [~~and~~]



- 1           (8) Land to which the Hawaii technology development
- 2                   corporation in its corporate capacity holds title[-];
- 3           (9) Land that is set aside by the governor to the Hawaii
- 4                   public housing authority or land to which the Hawaii
- 5                   public housing authority in its corporate capacity
- 6                   holds title;
- 7           (10) Land to which the department of education holds title;
- 8           (11) Land to which the Hawaii state public library system
- 9                   holds title; and
- 10          (12) Land to which the Hawaii health systems corporation in
- 11                   its corporate capacity holds title."

12           SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Public Lands; Hawaii Public Housing Authority Lands Exemption;  
DOE; Hawaii State Public Library System; HHSC

**Description:**

Excludes from the definition of "public lands" lands set aside by the Governor to the Hawaii Public Housing Authority or lands to which the Hawaii Public Housing Authority, Department of Education, Hawaii State Public Library System, or Hawaii Health Systems Corporation holds title. Requires legislative approval of the sale or gift of lands set aside by the governor to the Hawaii Public Housing Authority or lands to which the Hawaii Public Housing Authority, Department of Education, Hawaii State Public Library System, or Hawaii Health Systems Corporation holds title. Effective 1/1/2050. (SD2)

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