

JAN 18 2019

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;



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- 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 that are set aside by the governor to the Hawaii
12 housing finance and development corporation, lands
13 leased to the Hawaii housing finance and development
14 corporation by any department or agency of the State,
15 or lands to which the Hawaii housing finance and
16 development corporation in its corporate capacity
17 holds title;
- 18 (7) Lands to which the Hawaii community development
19 authority in its corporate capacity holds title;
- 20 (8) Lands to which the department of agriculture holds
21 title by way of foreclosure, voluntary surrender, or



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

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

9 (10) 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;

15 (11) Lands to which the Hawaii technology development
16 corporation in its corporate capacity holds title; and

17 (12) Lands to which the department of education holds
18 title;

19 provided that, except as otherwise limited under federal law and
20 except for state land used as an airport as defined in section
21 262-1, public lands shall include the air rights over any



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1 portion of state land upon which a county mass transit project
2 is developed after July 11, 2005."

3 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Public Lands; Hawaii Housing Finance and Development Corporation

Description:

Clarifies that lands set aside to the Hawaii housing finance and development corporation by the governor or leased to the corporation by other state departments and agencies are exempt from the definition of "public lands".

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