A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

SECTION 1. Section 171-2, Hawaii Revised Statutes, is amended to read as follows:

"§171-2 Definition of public lands. "Public lands" means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; including lands accreted after May 20, 2003, and not otherwise awarded, submerged lands, and lands beneath tidal waters that are suitable for reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, except:

(1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended;

(2) Lands set aside pursuant to law for the use of the United States;

(3) Lands being used for roads and streets;
(4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the state constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;

(5) Lands to which the University of Hawaii holds title;

(6) Lands that are set aside by the governor to the Hawaii housing finance and development corporation, lands leased to the Hawaii housing finance and development corporation by any department or agency of the State, or lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title; provided that the Hawaii housing finance and development corporation shall dispose of lands pursuant to this paragraph or any improvements thereon to the public on the same terms, conditions,
restrictions, and uses applicable to the disposition
of public lands pursuant to this chapter;

(7) Lands to which the Hawaii community development
authority in its corporate capacity holds title;

(8) Lands to which the department of agriculture holds
title by way of foreclosure, voluntary surrender, or
otherwise, to recover moneys loaned or to recover
debts otherwise owed the department under chapter 167;

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

(10) Lands that are set aside by the governor to the
agribusiness development corporation; lands leased to
the agribusiness development corporation by any
department or agency of the State; or lands to which
the agribusiness development corporation in its
corporate capacity holds title;
(11) Lands to which the Hawaii technology development corporation in its corporate capacity holds title; and

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

provided that, except as otherwise limited under federal law and except for state land used as an airport as defined in section 262-1, public lands shall include the air rights over any portion of state land upon which a county mass transit project is developed after July 11, 2005."

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

"(a) This section applies to all lands or interest therein owned or under the control of state departments and agencies classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or any other manner, including accreted lands not otherwise awarded, submerged lands, and lands beneath tidal waters that are suitable for reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, including:
1. Land set aside pursuant to law for the use of the United States;
2. Land to which the United States relinquished the absolute fee and ownership under section 91 of the Organic Act prior to the admission of Hawaii as a state of the United States;
3. Land to which the University of Hawaii holds title;
4. Land that is set aside by the governor to the Hawaii housing finance and development corporation, lands leased to the Hawaii housing finance and development corporation by any department or agency of the State, or lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title;
5. Land to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;
6. Land that is set aside by the governor to the Aloha Tower development corporation; or land to which the
Aloha Tower development corporation holds title in its corporate capacity;

(7) Land that is set aside by the governor to the agribusiness development corporation; or land to which the agribusiness development corporation in its corporate capacity holds title;

(8) Land to which the Hawaii technology development corporation in its corporate capacity holds title; and

(9) Land to which the department of education holds title.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.
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". Requires the Hawaii housing finance and development corporation to dispose of public lands pursuant to chapter 171, Hawaii Revised Statutes. Clarifies that lands set aside by the governor or leased to the Hawaii housing finance development corporation from other state agencies are subject to legislative approval prior to the sale or gift of those lands. (SD1)

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