
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 set aside by the governor to the Hawaii housing
12 finance and development corporation for the primary
13 purpose of developing affordable housing or lands to
14 which the Hawaii housing finance and development
15 corporation in its corporate capacity holds title;
- 16 (7) Lands to which the Hawaii community development
17 authority in its corporate capacity holds title;
- 18 (8) Lands set aside by the governor to the Hawaii public
19 housing authority or lands to which the Hawaii public
20 housing authority in its corporate capacity holds
21 title;



- 1 (9) Lands to which the department of agriculture holds
2 title by way of foreclosure, voluntary surrender, or
3 otherwise, to recover moneys loaned or to recover
4 debts otherwise owed the department under chapter 167;
- 5 (10) Lands that are set aside by the governor to the Aloha
6 Tower development corporation; lands leased to the
7 Aloha Tower development corporation by any department
8 or agency of the State; or lands to which the Aloha
9 Tower development corporation holds title in its
10 corporate capacity;
- 11 (11) Lands that are set aside by the governor to the
12 agribusiness development corporation; lands leased to
13 the agribusiness development corporation by any
14 department or agency of the State; or lands to which
15 the agribusiness development corporation in its
16 corporate capacity holds title;
- 17 (12) Lands to which the Hawaii technology development
18 corporation in its corporate capacity holds title; and
- 19 (13) Lands to which the department of education holds
20 title;



1 provided that, except as otherwise limited under federal law and
2 except for state land used as an airport as defined in section
3 262-1, public lands shall include the air rights over any
4 portion of state land upon which a county mass transit project
5 is developed after July 11, 2005."

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

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

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

20 (2) Land to which the United States relinquished the
21 absolute fee and ownership under section 91 of the



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- 1 Organic Act prior to the admission of Hawaii as a
2 state of the United States;
- 3 (3) Land to which the University of Hawaii holds title;
- 4 (4) Land set aside by the governor to the Hawaii housing
5 finance and development corporation for the primary
6 purpose of affordable housing or land to which the
7 Hawaii housing finance and development corporation in
8 its corporate capacity 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;



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- 1 (8) Land to which the Hawaii technology development
2 corporation in its corporate capacity holds title;
3 (9) Land to which the department of education holds title;
4 and
5 (10) Land to which the Hawaii public housing authority in
6 its corporate capacity holds title."

7 SECTION 3. Lands held by the Hawaii housing finance and
8 development corporation that were acquired from another
9 government agency and that are no longer needed for housing,
10 finance, and development purposes shall be returned to the
11 public trust administered by the department of land and natural
12 resources.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2021.

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Report Title:

Public Lands; Governor; Set Aside Lands; HHFDC; DLNR

Description:

Exempts lands set aside by the governor to HHFDC for the primary purpose of developing affordable housing from classification as public land subject to DLNR management. Provides that lands set aside to HHFDC and no longer needed for housing, finance, and development purposes be returned to the public trust administered by DLNR.

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