
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 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 set aside by the governor to the Hawaii public
- 21 housing authority or lands to which the Hawaii public



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



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



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

11 SECTION 3. Section 201H-9, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 " [†] §201H-9 [†] **Acquisition, use, and disposition of**
 14 **property.** (a) The corporation may acquire any real or personal
 15 property or interest therein by purchase, exchange, gift, grant,
 16 lease, or other means from any person or government to provide
 17 housing. Exchange of real property shall be in accordance with
 18 section 171-50.

19 (b) The corporation may own or hold real property. All
 20 real property owned or held by the corporation shall be exempt
 21 from mechanic's or materialman's liens and also from levy and



1 sale by virtue of an execution, and no execution or other
2 judicial process shall issue against the same nor shall any
3 judgment against the corporation be a charge or lien upon its
4 real property; provided that this subsection shall not apply to
5 or limit the right of obligees to foreclose or otherwise enforce
6 any mortgage of the corporation or the right of obligees to
7 pursue any remedies for the enforcement of any pledge or lien
8 given by the corporation on its rents, fees, or revenues. The
9 corporation and its property shall be exempt from all taxes and
10 assessments.

11 (c) Lands set aside by the governor to the corporation
12 shall be returned to the public trust administered by the
13 department of land and natural resources and lands leased to the
14 corporation by any department or agency of the State shall be
15 returned to that department or agency whenever the corporation
16 no longer needs the lands for housing, finance, and development
17 purposes.

18 [~~e~~] (d) The corporation may lease or rent all or a
19 portion of any housing project and establish and revise the
20 rents or charges therefor. The corporation may sell, exchange,



1 transfer, assign, or pledge any property, real or personal, or
2 any interest therein to any person or government.

3 [~~(d)~~] (e) The corporation may insure or provide for the
4 insurance of its property or operations against risks as it
5 deems advisable."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on June 18, 2050.



Report Title:

Public Lands; Hawaii Housing Finance and Development Corporation
(HHFDC)

Description:

Clarifies that lands set aside to the HHFDC by the governor or leased to the corporation by other state departments and agencies are excluded from the definition of "public lands" and require approval from the legislature upon disposition. Requires that lands set aside by the governor or leased to the HHFDC be returned to the public trust or to the leasing agency if the HHFDC is no longer needed by the HHFDC. Effective date 6/18/2050. (SD2)

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