



GOV. MSG. NO. 1385

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 06, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 06, 2012, the following bill was signed into law:

HB2398 HD2 SD1

RELATING TO LAND USE.
Act 282 (12)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

ORIGINAL

Approved by the Governor

JUL 6 2012

on _____

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 282

H.B. NO. 2398
H.D. 2
S.D. 1

A BILL FOR AN ACT

RELATING TO LAND USE.

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

PART I

1
2 SECTION 1. (a) The division of boating and ocean
3 recreation is directed to transfer the development rights of the
4 parcels of land identified by tax map keys (3)7-4-08:03 and
5 (3)7-4-08:41 to the public land development corporation, and the
6 land division is directed to transfer the development rights of
7 the parcel of land identified by tax map key (3)7-4-08:71 to the
8 public land development corporation; provided that the division
9 of boating and ocean recreation and the land division shall
10 continue to execute their respective responsibilities relating
11 to negotiating or executing a contract for any request for
12 proposal or managing any existing contract until the public land
13 development corporation is able to assume the negotiating,
14 oversight, and management responsibilities relating to the
15 existing contract or request for proposal, as the case may be,
16 or until June 30, 2013, whichever occurs first.



1 (b) The public land development corporation shall
2 coordinate the development of the land pursuant to chapter 171C,
3 Hawaii Revised Statutes.

4 PART II

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

7 "§171-2 Definition of public lands. "Public lands" means
8 all lands or interest therein in the State classed as government
9 or crown lands previous to August 15, 1895, or acquired or
10 reserved by the government upon or subsequent to that date by
11 purchase, exchange, escheat, or the exercise of the right of
12 eminent domain, or in any other manner; including accreted lands
13 not otherwise awarded, submerged lands, and lands beneath tidal
14 waters which are suitable for reclamation, together with
15 reclaimed lands which have been given the status of public lands
16 under this chapter, except:

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

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

21 (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 to which the department of agriculture holds
17 title by way of foreclosure, voluntary surrender, or
18 otherwise, to recover moneys loaned or to recover
19 debts otherwise owed the department under chapter 167;
- 20 (9) Lands which are set aside by the governor to the Aloha
21 Tower development corporation; lands leased to the
22 Aloha Tower development corporation by any department



1 or agency of the State; or lands to which the Aloha
2 Tower development corporation holds title in its
3 corporate capacity;

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

10 (11) Lands to which the high technology development
11 corporation in its corporate capacity holds title[-];
12 and

13 (12) Lands which are set aside by the governor to the
14 public land development corporation; lands leased to
15 the public land development corporation by any
16 department or agency of the State; or lands to which
17 the public land development corporation holds title in
18 its corporate capacity."

19 SECTION 3. Section 171-64.7, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) This section applies to all lands or interest therein
22 owned or under the control of state departments and agencies



1 classed as government or crown lands previous to August 15,
2 1895, or acquired or reserved by the government upon or
3 subsequent to that date by purchase, exchange, escheat, or the
4 exercise of the right of eminent domain, or any other manner,
5 including accreted lands not otherwise awarded, submerged lands,
6 and lands beneath tidal waters which are suitable for
7 reclamation, together with reclaimed lands which have been given
8 the status of public lands under this chapter, including:

- 9 (1) Land set aside pursuant to law for the use of the
10 United States;
- 11 (2) Land to which the United States relinquished the
12 absolute fee and ownership under section 91 of the
13 Organic Act prior to the admission of Hawaii as a
14 state of the United States;
- 15 (3) Land to which the University of Hawaii holds title;
- 16 (4) Land to which the Hawaii housing finance and
17 development corporation in its corporate capacity
18 holds title;
- 19 (5) Land to which the department of agriculture holds
20 title by way of foreclosure, voluntary surrender, or
21 otherwise, to recover moneys loaned or to recover
22 debts otherwise owed the department under chapter 167;



- 1 (6) Land that is set aside by the governor to the Aloha
2 Tower development corporation; or land to which the
3 Aloha Tower development corporation holds title in its
4 corporate capacity;
- 5 (7) Land that is set aside by the governor to the
6 agribusiness development corporation; or land to which
7 the agribusiness development corporation in its
8 corporate capacity holds title; [and]
- 9 (8) Land to which the high technology development
10 corporation in its corporate capacity holds title[-];
11 and
- 12 (9) Land that is set aside by the governor to the public
13 land development corporation or land to which the
14 public land development corporation holds title in its
15 corporate capacity."

16 PART III

17 SECTION 4. Chapter 171C, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§171C- Stadium facilities special fund. (a) There is
21 established a stadium facilities special fund into which shall
22 be deposited all proceeds from leases, permits, interest income



1 generated from Aloha Stadium lands and facilities, and other
2 revenue generated from the non-permanent disposition of Aloha
3 Stadium lands and facilities under this chapter, less the
4 following:

5 (1) The principal and interest on bonds issued pursuant to
6 this chapter for projects on Aloha Stadium lands or
7 utilizing Aloha Stadium facilities;

8 (2) The cost of administering, operating, and maintaining
9 projects on Aloha Stadium lands or utilizing Aloha
10 Stadium facilities, not to exceed fifteen per cent of
11 the sums collected, net of principal and interest
12 payments on bonds; and

13 (3) Other sums that may be necessary for the issuance of
14 bonds under this chapter.

15 (b) The stadium facilities special fund shall be
16 administered by the stadium authority. Except as otherwise
17 provided, all moneys in the stadium facilities special fund
18 shall be used exclusively for stadium purposes."

19 SECTION 5. Section 171C-2, Hawaii Revised Statutes, is
20 amended by amending the definition of "development rights" to
21 read as follows:



1 ""Development rights" means all of the rights related to
2 the development of a property including but not limited to the
3 rights permitted under an ordinance or law relating to permitted
4 uses of a property, the density or intensity of use, and the
5 maximum height and size of improvements thereon."

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

8 "(d) Notwithstanding any provision of this chapter to the
9 contrary, when leasing corporation-controlled [~~publie~~] land, the
10 corporation may contract with a financial institution chartered
11 under chapter 412 or a federal financial institution, as defined
12 under section 412:1-109, that transacts business in this State
13 or any state or county agency to provide lease management
14 services. For the purposes of this subsection, "lease
15 management services" includes the collection of lease rent and
16 any other moneys owed to the corporation related to the lease of
17 [~~publie~~] land under the corporation's control."

18 SECTION 7. Section 171C-17, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) There is established the Hawaii public land
21 development revolving fund, to which shall be credited any state
22 appropriations to the fund, any sums collected as a result of

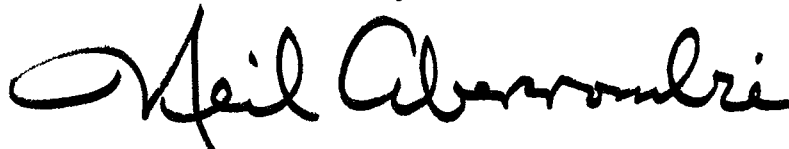
1 bonds issued pursuant to this chapter, any revenues generated
2 from the facilities, except as provided in section 171C- , or
3 other moneys made available to the fund, to be expended as
4 directed by the corporation."

5 PART IV

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval.

APPROVED this 6 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII

