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## A BILL FOR AN ACT

RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION.

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

1           SECTION 1. Section 171C-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The board of directors of the public land development  
4 corporation shall consist of [~~five~~] seven voting members. The  
5 members shall include:

6           (1) The chairperson of the board of land and natural  
7 resources, or the first deputy to the chairperson of  
8 the board of land and natural resources;

9           (2) The director of finance, or the director's designee;

10          (3) The director of business, economic development, and  
11 tourism, or the director's designee;

12          (4) One member to be appointed by the speaker of the house  
13 of representatives; [~~and~~]

14          (5) One member to be appointed by the president of the  
15 senate;

16          (6) The administrator of the office of Hawaiian affairs,  
17 or the administrator's designee; and



1        (7) One member who possesses sufficient knowledge of  
2        sustainable planning and natural and cultural resource  
3        management and is appointed in the manner, and serves  
4        for the term, set forth in section 26-34;

5 provided that the persons appointed by the speaker of the house  
6 of representatives and the president of the senate shall possess  
7 sufficient knowledge, experience, and proven expertise in small  
8 and large businesses within the development or recreation  
9 industries, banking, real estate, finance, promotion, marketing,  
10 or management.

11        The term of office of the two voting members appointed by  
12 the speaker of the house of representatives and the president of  
13 the senate shall be four years each."

14        SECTION 2. Section 171C-5, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16        "(a) The corporation shall prepare the Hawaii public land  
17 optimization plan, which shall define and establish goals,  
18 objectives, policies, and priority guidelines for its public  
19 land optimization development strategy. The plan shall include:

20        (1) An inventory of public lands with suitable, adequate  
21        development potential that are or will become



1 available that can be used to meet present and future  
2 land development needs;

3 (2) Protection of culturally-sensitive areas[+] and  
4 cultural practices, including traditional and  
5 customary native Hawaiian rights protected pursuant to  
6 article XII, section 7 of the state constitution;

7 (3) Feasible strategies for the promotion and marketing of  
8 any projects, including but not limited to leisure,  
9 recreational, commercial, residential, time share,  
10 hotel, office space, and business projects, in local,  
11 national, and international markets;

12 (4) Proposals to improve the gathering of data and the  
13 timely presentation of information on market demands  
14 and trends that can be used to plan future projects;  
15 and

16 (5) Strategies for federal and state legislative actions  
17 that will promote the development and enhancement of  
18 Hawaii's public lands."

19 SECTION 3. Section 171C-6, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:

21 "(b) The corporation [may] shall initiate and coordinate  
22 the preparation of business and public land development plans



1 for each of its projects. The plans shall include [a] the  
2 following:

3 (1) A proposal for the organization of the enterprise[~~r~~  
4 a];

5 (2) A marketing strategy[~~r~~~~marketing-related~~];

6 (3) Marketing-related information[~~r~~~~the~~];

7 (4) The impact on existing development or visitor-related  
8 industries throughout the State[~~r~~~~and a~~];

9 (5) A recommendation for the construction, reconstruction,  
10 rehabilitation, improvement, alteration, or repair of  
11 any infrastructure or accessory facilities in  
12 connection with any project[~~r~~]; and

13 (6) A culturally-sensitive development plan that shall  
14 include:

15 (A) The identification and description of the  
16 cultural practices, including traditional and  
17 customary native Hawaiian rights protected  
18 pursuant to article XII, section 7 of the state  
19 constitution, and cultural, historic, and natural  
20 resources in the ahupuaa in which the project is  
21 proposed;



1           (B) An assessment of the project's potential effects  
2           on cultural practices, including traditional and  
3           customary native Hawaiian rights protected  
4           pursuant to article XII, section 7 of the state  
5           constitution, and cultural, historic, and natural  
6           resources; and

7           (c) Proposed mitigation measures for those effects."

8           SECTION 4. Section 171C-19, Hawaii Revised Statutes, is  
9 amended to read as follows:

10           "~~§~~171C-19~~§~~   **Exemption from requirements.**

11 Notwithstanding section 171-42 and except as otherwise noted in  
12 this chapter, projects pursuant to this chapter shall be exempt  
13 from all statutes, ordinances, charter provisions, and rules of  
14 any government agency relating to special improvement district  
15 assessments or requirements; [~~land use, zoning, and~~]  
16 construction standards for subdivisions, development, and  
17 improvement of land; and the construction, improvement, and sale  
18 of homes thereon; provided that the public land planning  
19 activities of the corporation shall be coordinated with the  
20 county planning departments and the county land use plans,  
21 policies, and ordinances."



1 SECTION 5. Chapter 171C, Hawaii Revised Statutes, is  
2 amended by adding three new sections to be appropriately  
3 designated and to read as follows:

4 "§171C- Alienation of public lands. Notwithstanding  
5 any provision of this chapter to the contrary, all sales, gifts,  
6 or exchanges of land to which the public land development  
7 corporation holds title shall be subject to the provisions of  
8 section 171-64.7 and section 171-50.

9 §171C- Continuing payment of pro rata share of revenues  
10 from the public land trust. Notwithstanding any provision of  
11 this chapter to the contrary, the corporation shall be subject  
12 to Act 178, Session Laws of Hawaii 2006, or any other law that  
13 provides for the office of Hawaiian affairs' pro rata portion of  
14 the public land trust, pursuant to article XII, section 6 of the  
15 state constitution, and section 10-3.

16 §171C- Protection of traditional and customary rights.  
17 Notwithstanding any provision of this chapter to the contrary,  
18 the corporation shall consult with the office of Hawaiian  
19 affairs regarding the corporation's projects, activities, and  
20 rules to ensure that its activities and rules shall not diminish  
21 any right customarily and traditionally exercised for  
22 subsistence, cultural, and religious purposes and possessed by



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1 ahupuaa tenants who are descendants of native Hawaiians who  
2 inhabited the Hawaiian Islands prior to 1778, subject to the  
3 right of the State to regulate such rights, as stated in article  
4 XII, section 7 of the state constitution and relevant case law."

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

7 SECTION 7. This Act shall take effect upon its approval.

8

INTRODUCED BY:

Calvin K. King  
BY REQUEST

JAN 17 2012



# H.B. NO. 1981

**Report Title:**

PLDC; Cultural Practics; Public Land Trust; Office of Hawaiian Affairs Package

**Description:**

Adds 2 new members of the board of directors of the PLDC. Requires that the Hawaii public land optimization plan provide for the protection of cultural practices. Requires the PLDC to comply with certain provisions of law relating to the alienation of land and the OHA's pro rata portion of the public land trust.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

