

JAN 20 2012

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[~~7~~
4 ~~a]~~;

5 (2) A marketing strategy[~~7, marketing-related~~];

6 (3) Marketing-related information[~~7, the~~];

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



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: _____



By Request



S.B. NO. 2172

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.

