

JAN 25 2012

A BILL FOR AN ACT

RELATING TO LABOR.

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 (a) to read as follows:

3 "(a) There is established the public land development
4 corporation, which shall be a public body corporate and politic
5 and an instrumentality and agency of the State. The corporation
6 shall be headed by the board. The corporation shall be placed
7 within the department for administrative purposes.

8 The corporation shall [~~coordinate~~]:

9 (1) Coordinate and administer programs to make optimal use
10 of public land, while ensuring that the public land is
11 maintained for the people of Hawaii[-];

12 (2) Preserve to the extent possible historically
13 significant objects, structures, and areas and respect
14 the host culture;

15 (3) Protect the public health, safety, and welfare of the
16 people of this State and promote the sustainability of
17 the State's resources without unduly delaying or
18 frustrating the purposes and goals of this chapter;



1 (4) Ensure that any proposed development shall consider
2 any possible adverse health or environmental
3 consequences that may arise from the proposed
4 development and provide for preventative and remedial
5 measures;

6 (5) [~~The corporation shall identify~~ Identify the public
7 lands that are suitable for development under this
8 chapter~~[7]~~;

9 (6) [~~carry~~ Carry on marketing analysis to determine the
10 best revenue-generating programs for the public lands
11 identified~~[7]~~;

12 (7) [~~enter~~ Enter into public-private agreements to
13 appropriately develop the public lands identified~~[7~~
14 and provide]; provided that:

15 (A) At least one partner in every project shall have
16 maintained a physical presence in this State for
17 at least three years prior to entering into the
18 agreement and shall be incorporated in the State;

19 and

20 (B) Any statewide labor agreement to which the
21 corporation is a party shall apply to all of the



1 corporation's projects involving public or
2 private land; and
3 (8) Provide the leadership for the development, financing,
4 improvement, or enhancement of the selected
5 development opportunities[-], which shall include
6 taking responsibility for identifying and addressing
7 zoning issues raised.

8 Permissible uses of public land pursuant to this chapter
9 shall include but not be limited to office space; vehicular
10 parking; commercial uses; hotel, residential, and time share
11 uses; fueling facilities; storage and repair facilities; and
12 seawater air conditioning plants."

13 SECTION 2. Section 171C-4, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Notwithstanding subsection (a) to the contrary, the
16 corporation shall not [~~acquire~~]:

17 (1) Acquire, contract to acquire by grant or purchase,
18 own, hold, sell, assign, exchange, transfer, convey,
19 lease, or otherwise dispose of, or encumber any real,
20 personal, or mixed property that is owned by the
21 department as of July 1, 2011, except as expressly
22 provided in this chapter[-]; or

- 1 (2) Exchange any public lands:
- 2 (A) That were:
- 3 (i) Ceded to the United States by the Republic
- 4 of Hawaii under the joint resolution of
- 5 annexation, (30 Stat. 750), or acquired in
- 6 exchange for lands so ceded; and
- 7 (ii) Conveyed to the State of Hawaii pursuant to
- 8 section 5(b) of the Admission Act, but
- 9 excluding lands and all proceeds and income
- 10 from the sale, lease, or disposition of
- 11 available lands under section 203 of the
- 12 Hawaiian Homes Commission Act, 1920, as
- 13 amended;
- 14 (B) Retained by the United States under sections 5(c)
- 15 and 5(d) and later conveyed to the State under
- 16 section 5(e) of the Admission Act; and
- 17 (C) That were ceded to and retained by the United
- 18 States under section 5(c) and 5(d) of the
- 19 Admission Act and later conveyed to the State
- 20 pursuant to Public Law 88-233,
- 21 without first complying with section 171-50."



1 SECTION 3. Section 171C-19, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]~~§171C-19~~[+]~~ Exemption from requirements. (a)

4 Notwithstanding section 171-42 and except as otherwise noted in
5 this chapter, projects pursuant to this chapter shall be exempt
6 from all statutes, ordinances, charter provisions, and rules of
7 any government agency relating to special improvement district
8 assessments or requirements; land use, zoning, and construction
9 standards for subdivisions, development, and improvement of
10 land; and the construction, improvement, and sale of homes
11 thereon; provided that ~~[the]~~:

12 (1) The public land planning activities of the corporation
13 shall be coordinated with the county planning
14 departments and the county land use plans, policies,
15 and ordinances~~[-]~~; and

16 (2) If the corporation is an equity partner in a project,
17 the corporation, in conjunction with its development
18 partners, shall create a sustainable development plan
19 for the project that describes how the project intends
20 to address environmental issues, community concerns,
21 respect the host culture, and preserve historically
22 significant sites, objects, and structures.



1 (b) Notwithstanding any law to the contrary, the
2 corporation shall comply with the requirements of section
3 171-64.7 if it determines that the sale or gift of public lands
4 is necessary to carry out the purposes of this chapter."

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

7 SECTION 5. This Act shall take effect upon its approval.

8

INTRODUCED BY:

Charlie



S.B. NO. 2925

Report Title:

Public Land Development Corporation

Description:

Requires the public land development corporation to address specific issues in its projects, such as protecting the public health and safety of the people of the State; promoting environmental sustainability; and respecting the host culture and protecting historically significant sites and structures.

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