

JAN 25 2012

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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 (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) Which were ceded to the United States by the
- 3            Republic of Hawaii under the joint resolution of
- 4            annexation, approved July 7, 1898 (30 Stat. 750),
- 5            or acquired in exchange for lands so ceded, and
- 6            which were conveyed to the State of Hawaii by
- 7            virtue of section 5(b) of the Act of March 18,
- 8            1959 (73 Stat. 4, the Admission Act), (excluding
- 9            therefrom lands and all proceeds and income from
- 10           the sale, lease, or disposition of lands defined
- 11           as "available lands" by section 203 of the
- 12           Hawaiian Homes Commission Act, 1920, as amended);
- 13           (B) Retained by the United States under sections 5(c)
- 14           and 5(d) of the Act of March 18, 1959, and later
- 15           conveyed to the State under section 5(e) of the
- 16           Act of March 18, 1959; and
- 17           (C) Which were ceded to and retained by the United
- 18           States under section 5(c) and 5(d) of the Act of
- 19           March 18, 1959 and later conveyed to the State
- 20           pursuant to the Act of December 23, 1963 (P.L.
- 21           88-233, 77 Stat. 472),
- 22           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.



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

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# S.B. NO. 3004

**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.

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

