
A BILL FOR AN ACT

RELATING TO PUBLIC LAND.

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

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

3 "**§171-2 Definition of public lands.** "Public lands" means
4 all lands or interest therein in the State classed as government
5 or crown lands previous to August 15, 1895, or acquired or
6 reserved by the government upon or subsequent to that date by
7 purchase, exchange, escheat, or the exercise of the right of
8 eminent domain, or in any other manner; including lands accreted
9 after May 20, 2003, and not otherwise awarded, submerged lands,
10 and lands beneath tidal waters that are suitable for
11 reclamation, together with reclaimed lands that have been given
12 the status of public lands under this chapter, except:

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

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

17 (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 that 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 that 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 2. 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 SECTION 3. Section 173A-4, Hawaii Revised Statutes, is
17 amended by amending subsections (c) and (d) to read as follows:

18 "(c) The board shall, in consultation with the senate
19 president and the speaker of the house of representatives,
20 require as a condition of the receipt of funds that state and
21 county agencies receiving funds under this chapter provide a
22 conservation easement under chapter 198, or an agricultural



1 easement or deed restriction or covenant to the department of
2 land and natural resources; the department of agriculture; the
3 agribusiness development corporation; [~~the public land~~
4 ~~development corporation,~~] an appropriate land conservation
5 organization; or a county, state, or federal natural resource
6 conservation agency, that shall run with the land and be
7 recorded with the land to ensure the long-term protection of
8 land having value as a resource to the State and preserve the
9 interests of the State. The board shall require as a condition
10 of the receipt of funds that it be an owner of any such
11 conservation easement.

12 (d). The board shall, in consultation with the senate
13 president and the speaker of the house of representatives,
14 require as a condition of the receipt of funds that nonprofit
15 land conservation organizations receiving funds under this
16 chapter provide a conservation easement under chapter 198, or an
17 agricultural easement or deed restriction or covenant to the
18 department of land and natural resources; the department of
19 agriculture; the agribusiness development corporation; [~~the~~
20 ~~public land development corporation,~~] an appropriate land
21 conservation agency; or an appropriate county, state, or federal
22 natural resource conservation agency, that shall run with the



1 land and be recorded with the land to ensure the long-term
2 protection of land having value as a resource to the State and
3 preserve the interests of the State. The board shall require as
4 a condition of the receipt of funds that it be an owner of any
5 such conservation easement."

6 SECTION 4. Section 173A-5, Hawaii Revised Statutes, is
7 amended by amending subsection (i) to read as follows:

8 "(i) Based on applications from state agencies, counties,
9 and nonprofit land conservation organizations, the department,
10 in consultation with the senate president and speaker of the
11 house of representatives, shall recommend to the board specific
12 parcels of land to be acquired, restricted with conservation
13 easements, or preserved in similar fashion. The board shall
14 review the selections and approve or reject the selections
15 according to the availability of moneys in the fund. To be
16 eligible for grants from the fund, state and county agencies and
17 nonprofit land conservation organizations shall submit
18 applications to the department that contain:

- 19 (1) Contact information for the project;
- 20 (2) A description of the project;
- 21 (3) The request for funding;



- 1 (4) Cost estimates for acquisition of the interest in the
- 2 land;
- 3 (5) Location and characteristics of the land;
- 4 (6) The project's public benefits, including but not
- 5 limited to where public access may be practicable or
- 6 not practicable and why;
- 7 (7) Results of the applicant's consultation with the staff
- 8 of the department, the department of agriculture, and
- 9 the agribusiness development corporation[, ~~and the~~
- 10 ~~public land development corporation~~] regarding the
- 11 maximization of public benefits of the project, where
- 12 practicable; and
- 13 (8) Other similar, related, or relevant information as
- 14 determined by the department."

15 SECTION 5. Section 206E-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§206E-4 Powers; generally.** Except as otherwise limited
18 by this chapter, the authority may:

- 19 (1) Sue and be sued;
- 20 (2) Have a seal and alter the same at pleasure;

- 1 (3) Make and execute contracts and all other instruments
2 necessary or convenient for the exercise of its powers
3 and functions under this chapter;
- 4 (4) Make and alter bylaws for its organization and
5 internal management;
- 6 (5) Make rules with respect to its projects, operations,
7 properties, and facilities, which rules shall be in
8 conformance with chapter 91;
- 9 (6) Through its executive director appoint officers,
10 agents, and employees, prescribe their duties and
11 qualifications, and fix their salaries, without regard
12 to chapter 76;
- 13 (7) Prepare or cause to be prepared a community
14 development plan for all designated community
15 development districts;
- 16 (8) Acquire, reacquire, or contract to acquire or
17 reacquire by grant or purchase real, personal, or
18 mixed property or any interest therein; to own, hold,
19 clear, improve, and rehabilitate, and to sell, assign,
20 exchange, transfer, convey, lease, or otherwise
21 dispose of or encumber the same;



- 1 (9) Acquire or reacquire by condemnation real, personal,
2 or mixed property or any interest therein for public
3 facilities, including but not limited to streets,
4 sidewalks, parks, schools, and other public
5 improvements;
- 6 (10) By itself, or in partnership with qualified persons,
7 acquire, reacquire, construct, reconstruct,
8 rehabilitate, improve, alter, or repair or provide for
9 the construction, reconstruction, improvement,
10 alteration, or repair of any project; own, hold, sell,
11 assign, transfer, convey, exchange, lease, or
12 otherwise dispose of or encumber any project, and in
13 the case of the sale of any project, accept a purchase
14 money mortgage in connection therewith; and repurchase
15 or otherwise acquire any project which the authority
16 has theretofore sold or otherwise conveyed,
17 transferred, or disposed of;
- 18 (11) Arrange or contract for the planning, replanning,
19 opening, grading, or closing of streets, roads,
20 roadways, alleys, or other places, or for the
21 furnishing of facilities or for the acquisition of



1 property or property rights or for the furnishing of
2 property or services in connection with a project;

3 (12) Grant options to purchase any project or to renew any
4 lease entered into by it in connection with any of its
5 projects, on such terms and conditions as it deems
6 advisable;

7 (13) Prepare or cause to be prepared plans, specifications,
8 designs, and estimates of costs for the construction,
9 reconstruction, rehabilitation, improvement,
10 alteration, or repair of any project, and from time to
11 time to modify such plans, specifications, designs, or
12 estimates;

13 (14) Provide advisory, consultative, training, and
14 educational services, technical assistance, and advice
15 to any person, partnership, or corporation, either
16 public or private, to carry out the purposes of this
17 chapter, and engage the services of consultants on a
18 contractual basis for rendering professional and
19 technical assistance and advice;

20 (15) Procure insurance against any loss in connection with
21 its property and other assets and operations in such
22 amounts and from such insurers as it deems desirable;



- 1 (16) Contract for and accept gifts or grants in any form
2 from any public agency or from any other source;
- 3 (17) Do any and all things necessary to carry out its
4 purposes and exercise the powers given and granted in
5 this chapter; and
- 6 (18) Allow satisfaction of any affordable housing
7 requirements imposed by the authority upon any
8 proposed development project through the construction
9 of reserved housing, as defined in section 206E-101,
10 by a person on land located outside the geographic
11 boundaries of the authority's jurisdiction; provided
12 that the authority shall not permit any person to make
13 cash payments in lieu of providing reserved housing,
14 except to account for any fractional unit that results
15 after calculating the percentage requirement against
16 residential floor space or total number of units
17 developed. The substituted housing shall be located
18 on the same island as the development project and
19 shall be substantially equal in value to the required
20 reserved housing units that were to be developed on
21 site. The authority shall establish the following
22 priority in the development of reserved housing:



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- 1 (A) Within the community development district;
- 2 (B) Within areas immediately surrounding the
- 3 community development district;
- 4 (C) Areas within the central urban core;
- 5 (D) In outlying areas within the same island as the
- 6 development project.

7 The Hawaii community development authority shall
8 adopt rules relating to the approval of reserved
9 housing that are developed outside of a community
10 development district. The rules shall include, but
11 are not limited to, the establishment of guidelines to
12 ensure compliance with the above priorities[~~;~~ and
13 ~~(19) Assist the public land development corporation~~
14 ~~established by section 171C-3 in identifying public~~
15 ~~lands that may be suitable for development, carrying~~
16 ~~on marketing analysis to determine the best revenue-~~
17 ~~generating programs for the public lands identified,~~
18 ~~entering into public private agreements to~~
19 ~~appropriately develop the public lands identified, and~~
20 ~~providing the leadership for the development,~~
21 ~~financing, improvement, or enhancement of the selected~~
22 ~~development opportunities; provided that no assistance~~



1 ~~shall be provided unless the authority authorizes the~~
2 ~~assistance]."~~

3 SECTION 6. Chapter 171C, Hawaii Revised Statutes, is
4 repealed.

5 SECTION 7. All records, equipment, machines, files,
6 supplies, contracts, books, papers, documents, maps, and other
7 personal property heretofore made, used, acquired, or held by
8 the public land development corporation shall be transferred to
9 the department of land and natural resources.

10 SECTION 8. All development rights transferred to the
11 public land development corporation from another state entity
12 shall be transferred back to the state entity from which they
13 were transferred.

14 SECTION 9. All unexpended funds appropriated to the public
15 land development corporation pursuant to Act 55, Session Laws of
16 Hawaii 2011, or otherwise deposited into the Hawaii public land
17 development revolving fund created pursuant to section 171C-17,
18 Hawaii Revised Statutes, shall revert back to the source from
19 which the funds were appropriated.

20 SECTION 10. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 11. This Act shall take effect upon its approval;
2 provided that section 6 and section 9 of this Act shall take
3 effect on July 1, 2013.

4

INTRODUCED BY: *[Signature]*
Cindy Evans
Nicole Ehn

JAN 17 2013



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Report Title:

Public Land Development Corporation

Description:

Repeals the Public Land Development Corporation. Transfers certain assets to the Department of Land and Natural Resources.

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