

1 SECTION 3. Sections 171-2, 171-64.7, 173A-4, and 173A-5
2 are amended by substituting the words "harbors and parks
3 development authority" wherever the words "public land
4 development corporation" appears, as the context requires.

5 SECTION 4. Chapter 171C, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§171C-1[+] Findings and purpose. The legislature
8 finds that certain public lands under the jurisdiction of the
9 department of land and natural resources that are used for
10 harbors, boating facilities and parks are not used effectively.
11 Public lands in [~~certain areas~~] state small boat harbors,
12 boating facilities and parks may serve the State and its people
13 better if managed and developed into suitable recreational and
14 leisure centers where the public can congregate and where
15 visitors to our State can go as part of their holiday
16 experience. However, the department of land and natural
17 resources is hamstrung by its limited mission and limited
18 resources. Creating a development arm of the department of land
19 and natural resources, similar to the [~~agribusiness development~~
20 ~~corporation~~] Hawaii community development authority, and placing
21 appropriate [~~public~~] harbor, boating and park lands into the new
22 [~~corporation's~~] agency's jurisdiction[~~]~~ may help to create
23 these recreation and leisure areas, while also creating revenue-

1 generating opportunities for the new [~~corporation~~] agency. In
2 turn, revenues generated may be used to offset the regulatory
3 functions of the department of land and natural resources.

4 The purpose of this chapter is to create a vehicle and
5 process to make optimal use of [~~public~~] harbors and park land
6 for the economic, environmental, and social benefit of the
7 people of Hawaii. [~~This chapter establishes a public corporation~~
8 ~~to administer an appropriate and culturally sensitive public~~
9 ~~land development program.~~] The [~~corporation~~] authority shall
10 coordinate and administer programs to make optimal use of
11 [~~public~~] harbors and park [~~land~~] lands, while ensuring that the
12 public [~~land~~] lands [~~is~~] are maintained for the people of
13 Hawaii. The [~~corporation~~] authority shall identify the [~~public~~]
14 harbors and park lands that are suitable for development under
15 this chapter, carry on marketing analysis to determine the best
16 revenue-generating programs for the [~~public~~] harbors and park
17 lands identified, enter into public-private agreements to
18 appropriately develop the [~~public~~] harbors and park lands
19 identified, and provide the leadership for the development,
20 [~~financing,~~] improvement, or enhancement of the selected
21 development opportunities.

22 **§171C-2 Definitions.** As used in this chapter, unless the
23 context clearly requires otherwise:

1 "Authority" means the harbors and parks development
2 authority.

3 "Board" means the board of directors of the [~~public land~~
4 ~~development corporation~~] harbors and parks development
5 authority.

6 [~~"Coordinating entrepreneur" means a qualified person~~
7 ~~capable of organizing, operating, and assuming the risk for~~
8 ~~enterprises, including securing land and seed capital,~~
9 ~~developing or managing commercial or recreational facilities or~~
10 ~~projects, arranging concession agreements, supplying materials,~~
11 ~~maintaining equipment and infrastructure, and providing for the~~
12 ~~processing and marketing of services or products.~~

13 "~~Corporation" means the public land development~~
14 ~~corporation.~~

15 "~~Coventure" means an investment by the corporation in~~
16 ~~qualified securities of an enterprise in which a substantial~~
17 ~~investment is also being made or has been made by a professional~~
18 ~~investor to provide seed capital to an enterprise. A guarantee~~
19 ~~by the corporation of qualified securities provided by a~~
20 ~~professional investor shall be classified as a coventure. An~~
21 ~~investment made by the corporation, which is a direct~~
22 ~~investment, may later be classified as a coventure upon an~~
23 ~~investment by a professional investor.]~~

1 "Department" means the department of land and natural
2 resources.

3 "Development rights" means all of the rights related to the
4 development of property including but not limited to the rights
5 permitted under an ordinance or law relating to permitted uses
6 of a property, the density or intensity of use, and the maximum
7 height and size of improvements thereon.

8 ~~["Direct investment" means an investment by the corporation
9 in qualified securities of an enterprise in which no investment
10 is being or has been made by a professional investor to provide
11 seed capital to the enterprise.]~~

12 ~~"Enterprise" means a business with its principal place of
13 business in Hawaii, which is or proposes to be engaged in
14 recreational and commercial area development, development of new
15 value added products, enhancement of existing recreational or
16 commercial commodities, and the application of existing
17 recreation or commercial areas and appurtenant facilities to
18 productive uses.]~~

19 "Fund" means the ~~[Hawaii public lands development]~~ harbors
20 and parks development revolving fund.

21 "Harbors and park lands" means all state boating
22 facilities, as defined in section 200-2.5, excluding mooring
23 areas, and park lands under the jurisdiction of the department

1 of land and natural resources.

2 ~~["Private lender" includes banks, savings and loan~~
3 ~~associations, mortgage companies, and other qualified companies~~
4 ~~whose business includes the making of loans in the State.~~

5 ~~"Professional investor" means any bank, bank holding~~
6 ~~company, savings institution, farm credit institution, trust~~
7 ~~company, insurance company, investment company registered under~~
8 ~~the federal Investment Company Act of 1940, financial services~~
9 ~~loan company, pension or profit sharing trust or other financial~~
10 ~~institution or institutional buyer, licensee under the federal~~
11 ~~Small Business Investment Act of 1958, as amended, or any~~
12 ~~person, partnership, or other entity of whose resources, a~~
13 ~~substantial amount is dedicated to investing in securities or~~
14 ~~debt instruments, and whose net worth exceeds \$250,000.]~~

15 "Project" means a specific undertaking, improvement, or
16 system consisting of work or improvement, including personal
17 property or any interest therein acquired, constructed,
18 reconstructed, rehabilitated, improved, altered, or repaired by
19 the ~~[corporation]~~ authority.

20 ~~["Project cost" means the total of all costs incurred by~~
21 ~~the corporation in carrying out all undertakings that it~~
22 ~~considers reasonable and necessary for the development of a~~
23 ~~project, including studies, plans, specifications,~~

1 ~~architectural, engineering, or any other development related~~
2 ~~services, acquisition of land and any improvement thereon, site~~
3 ~~preparation and development, construction, reconstruction,~~
4 ~~rehabilitation, the necessary expenses in administering this~~
5 ~~chapter, the cost of financing the project, and relocation~~
6 ~~costs.~~

7 ~~"Project facilities" includes improvements, roads and~~
8 ~~streets, utility and service corridors, utility lines where~~
9 ~~applicable, water and irrigation systems, lighting systems,~~
10 ~~security systems, sanitary sewerage systems, and other community~~
11 ~~facilities where applicable.]~~

12 "Qualified person" means any individual, partnership,
13 corporation, non-profit organization, or public agency
14 possessing the competence, expertise, experience, and resources,
15 including financial, personnel, and tangible qualifications, as
16 may be deemed desirable by the [~~corporation~~] authority in
17 administering this chapter.

18 [~~"Qualified security" means any note, stock, treasury stock~~
19 ~~bond, debenture, evidence of indebtedness, certificate of~~
20 ~~interest or participation in any profit sharing agreement, pre-~~
21 ~~organization certificate of subscription, transferable share,~~
22 ~~investment contract, certificate of deposit for a security,~~
23 ~~certificate of interest or participation in a patent or patent~~

1 ~~application, or in royalty or other payments under such a patent~~
2 ~~or application, or, in general, any interest or instrument~~
3 ~~commonly known as a "security" or any certificate for, receipt~~
4 ~~for, or option, warrant, or right to subscribe to or purchase~~
5 ~~any of the foregoing.~~

6 ~~"Revenue bonds" means bonds, notes, or other evidence of~~
7 ~~indebtedness of the corporation issued to finance any project~~
8 ~~facility.~~

9 ~~"Seed capital" means financing that is provided for the~~
10 ~~development, refinement, and commercialization of a product or~~
11 ~~process and other working capital needs.~~

12 ~~"Trust indenture" means an agreement by and between the~~
13 ~~corporation and a trustee that sets forth the duties of the~~
14 ~~trustee with respect to the revenue bonds, the security thereof,~~
15 ~~and other provisions as may be deemed necessary or convenient by~~
16 ~~the corporation to secure the revenue bonds.~~

17 ~~"Trustee" means a national or state bank or trust company,~~
18 ~~within or outside the State, that enters into a trust indenture.~~

19 ~~"Value added" means any activity that increases, by means~~
20 ~~of development or any other means, the value of public lands.]~~

21 ~~[+] §171C-3 [Public land development corporation]~~ Harbors
22 and parks development authority; established. (a) There is
23 established the [public land development corporation] harbors

1 and parks development authority, which shall be a public body
2 corporate and politic and an instrumentality and agency of the
3 State. The [~~corporation~~] authority shall be headed by the board.
4 The [~~corporation~~] authority shall be placed within the
5 department for administrative purposes.

6 The [~~corporation~~] authority shall coordinate and administer
7 programs to make optimal use of [~~public~~] harbors and park land,
8 while ensuring that the public land is maintained for the people
9 of Hawaii. The [~~corporation~~] authority shall identify the
10 [~~public~~] harbors and park lands that are suitable for
11 development under this chapter, carry on marketing analysis to
12 determine the best revenue-generating programs for the [~~public~~]
13 harbors and park lands identified, enter into public-private
14 agreements to appropriately develop the [~~public~~] harbors and
15 park lands identified, and provide the leadership for the
16 development, financing, improvement, or enhancement of the
17 selected development opportunities. Permissible uses of [~~public~~]
18 harbors and park land pursuant to this chapter shall include but
19 not be limited to office space; vehicular parking; commercial
20 uses; [~~hotel, residential, and timeshare uses~~] accommodations;
21 fueling facilities; storage and repair facilities; and seawater
22 air conditioning plants.

23 (b) The board of directors of the [~~public land development~~

1 ~~corporation]~~ harbors and parks development authority shall
2 consist of five voting members. The members shall include:

3 (1) The chairperson of the board of land and natural
4 resources, or the [~~first deputy to the chairperson of~~
5 ~~the board of land and natural resources]~~ chairperson's
6 designee;

7 [~~(2) The director of finance, or the director's designee;~~

8 ~~(3)]~~ (2) The director of business, economic development,
9 and tourism, or the director's designee;

10 (3) The administrator of the office of hawaiian affairs,
11 or the administrator'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 provided that the persons appointed by the speaker of the house
17 of representatives and the president of the senate shall possess
18 sufficient knowledge, experience, and proven expertise in small
19 and large businesses within the development or recreation
20 industries, banking, real estate, finance, promotion, marketing,
21 or management.

22 The term of office of the two voting members appointed by
23 the speaker of the house of representatives and the president of

1 the senate shall be four years each.

2 (c) The board shall appoint an executive director, who
3 shall serve at the pleasure of the board and shall be exempt
4 from chapter 76. The salary of the executive director shall be
5 set by the board.

6 (d) The board, through its executive director, may appoint
7 officers, agents, and employees; prescribe their duties and
8 qualifications; and fix their salaries, without regard to
9 chapter 76.

10 ~~[H]§171C-4[+]~~ Powers; generally. (a) Except as otherwise
11 limited by this chapter, the ~~[corporation]~~ authority may:

- 12 (1) Sue and be sued;
- 13 (2) Have a seal and alter the same at its pleasure;
- 14 (3) Make and alter bylaws for its organization and
15 internal management;
- 16 (4) Adopt rules under chapter 91 necessary to effectuate
17 this chapter in connection with its projects,
18 operations, and properties;
- 19 (5) Make and execute contracts and all other instruments
20 necessary or convenient for the exercise of its powers
21 and functions under this chapter;
- 22 (6) Carry out surveys, research, and investigations into
23 technological, business, financial, consumer trends,

1 and other aspects of leisure or recreational land uses
2 in the national and international community;

3 (7) Acquire or contract to acquire by grant or purchase:

4 (A) All privately owned real property or any interest
5 therein and the improvements thereon, if any, that are
6 determined by the [~~corporation~~] authority to be
7 necessary or appropriate for its purposes under this
8 chapter, including real property together with
9 improvements, if any, in excess of that needed for
10 such use in cases where small remnants would otherwise
11 be left or where other justifiable cause necessitates
12 the acquisition to protect and preserve the
13 contemplated improvements, or public policy demands
14 the acquisition in connection with such improvements;
15 and

16 (B) Encumbrances, in the form of leases, licenses, or
17 otherwise, needed by the [~~corporation~~] authority or
18 any state department or agency for public purposes,
19 the disposition of subdivided lots, houselots,
20 apartments or other economic units, or economic
21 development;

22 (8) Own, hold, improve, and rehabilitate any real,
23 personal, or mixed property acquired; and sell,

- 1 assign, exchange, transfer, convey, lease, or
2 otherwise dispose of, or encumber the same;
- 3 (9) By itself, or in partnership with qualified persons or
4 other governmental agencies, acquire, construct,
5 reconstruct, rehabilitate, improve, alter, or repair
6 any infrastructure or accessory facilities in
7 connection with any project; own, hold, sell, assign,
8 transfer, convey, exchange, lease, or otherwise
9 dispose of, or encumber any project; and develop or
10 manage, by itself, or in partnership with qualified
11 persons or other governmental agencies, any project
12 that meets the purposes of this chapter;
- 13 (10) In cooperation with any governmental agency, [~~or~~
14 ~~otherwise through direct investment or coventure with~~
15 ~~a professional investor or enterprise]~~ or any other
16 person, or otherwise, acquire, construct, operate, and
17 maintain [~~public~~] harbors and park land facilities,
18 including but not limited to leisure, recreational,
19 commercial, [~~residential, timeshare, hotel,~~
20 accommodations, office space, and business facilities,
21 at rates or charges determined by the [~~corporation~~]
22 authority;
- 23 (11) Assist developmental, recreational, and visitor-

1 industry related enterprises, or projects developed or
2 managed by the [~~corporation,~~] authority, by conducting
3 detailed marketing analysis and developing marketing
4 and promotional strategies to strengthen the position
5 of those enterprises and to better exploit local,
6 national, and international markets;

7 (12) Receive, examine, and determine the acceptability of
8 applications of qualified persons for allowances or
9 grants for the development of new recreation and
10 visitor-industry related products, the expansion of
11 established recreation and visitor-industry or land
12 development enterprises, and the altering of existing
13 recreational, visitor-industry related, or land
14 development enterprises;

15 (13) Coordinate its activities with any federal or state
16 programs;

17 (14) Grant options to purchase any project or to renew any
18 lease entered into by the [~~corporation~~] authority in
19 connection with any of its projects, on the terms and
20 conditions it deems advisable;

21 (15) Provide advisory, consultative, training, and
22 educational services and technical assistance to any
23 person, partnership, or corporation, either public or

1 private, to carry out the purposes of this chapter,
2 and engage the services of consultants on a
3 contractual basis for rendering professional and
4 technical assistance and advice;

5 (16) Procure insurance against any loss in connection with
6 its property and other assets and operations in
7 amounts and from insurers as it deems desirable;

8 (17) Accept gifts or grants in any form from any public
9 agency or any other source;

10 ~~[(18) Issue bonds to finance the cost of a project and to
11 provide for the security thereof, in the manner and
12 pursuant to the procedure prescribed in this chapter,~~

13 ~~-(19) Subject to approval by the department, assume
14 management responsibilities for small boat harbors in
15 accordance with chapter 200 and any rules adopted
16 pursuant thereto for periods not to exceed one year;~~

17 ~~-(20)]~~ (18) Recommend to the board of land and natural
18 resources the purchase of any privately owned
19 properties that may be appropriate for development;
20 and

21 ~~[-(21)]~~ (19) Do all things necessary or proper to carry out
22 the purposes of this chapter.

23 ~~[-(b) Notwithstanding subsection (a) to the contrary, the~~

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1 ~~corporation shall not acquire, contract to acquire by grant or~~
2 ~~purchase, own, hold, sell, assign, exchange, transfer, convey,~~
3 ~~lease, or otherwise dispose of, or encumber any real, personal,~~
4 ~~or mixed property that is owned by the department as of July 1,~~
5 ~~2011, except as expressly provided in this chapter.~~

6 ~~(e)]~~ (b) The powers conferred herein shall be liberally
7 construed to effectuate the purposes of this chapter.

8 ~~[H]§171C-5 [H]~~ Hawaii ~~[public]~~ harbors and parks land
9 optimization plan. (a) The ~~[corporation]~~ authority shall
10 prepare the Hawaii ~~[public]~~ harbors and park land optimization
11 plan, which shall define and establish goals, objectives,
12 policies, and priority guidelines for its ~~[public]~~ harbors and
13 park land optimization development strategy. The plan shall
14 include:

15 (1) An inventory of ~~[public]~~ harbors and park lands with
16 suitable, adequate development potential that are or
17 will become available that can be used to meet present
18 and future harbors and park land development needs;

19 ~~[(2) Protection of culturally sensitive areas;~~

20 ~~(3)]~~ (2) Feasible strategies for the promotion and
21 marketing of any projects, including but not limited
22 to leisure, recreational, commercial, ~~[residential,~~
23 ~~timeshare, hotel,]~~ accommodations, office space, and

1 business projects, in local, national, and
2 international markets;
3 ~~[(4)]~~ (3) Proposals to improve the gathering of data and
4 the timely presentation of information on market
5 demands and trends that can be used to plan future
6 projects; and

7 ~~[(5)]~~ (4) Strategies for federal and state legislative
8 actions that will promote the development and
9 enhancement of Hawaii's ~~[public]~~ harbors and park
10 lands.

11 (b) The ~~[corporation]~~ authority shall revise the Hawaii
12 ~~[public]~~ harbors and park lands optimization plan from time to
13 time and shall incorporate the plan in its annual report to the
14 governor and the legislature as provided in section 171C-~~[20]~~__.

15 **§171C-6 Public lands optimization projects; development**
16 **plans.** (a) The ~~[corporation]~~ authority may develop and
17 implement ~~[public]~~ harbors and park lands optimization projects
18 where appropriate ~~[public]~~ harbors and park lands may be
19 developed or managed to create revenue-generating centers or
20 where, through detailed analysis, opportunities exist to exploit
21 potential local, national, and international markets.

22 (b) The ~~[corporation]~~ authority may initiate and
23 coordinate the preparation of ~~[business and public]~~ harbors and

1 park land development plans for its projects. The plans shall
2 include a proposal for the organization of the enterprise, a
3 marketing strategy, marketing-related information, the impact on
4 existing development or visitor-related industries throughout
5 the State, and a recommendation for the construction,
6 reconstruction, rehabilitation, improvement, alteration, or
7 repair of any infrastructure or accessory facilities in
8 connection with any project.

9 (c) The [~~corporation~~] authority may enter into cooperative
10 agreements with coordinating entrepreneurs or public agencies
11 when the powers, services, and capabilities of the persons or
12 agencies are deemed necessary and appropriate for the
13 development and implementation of the [~~business and public~~]
14 harbors and park land development plans.

15 (d) Notwithstanding any provision of this chapter to the
16 contrary, when leasing [~~corporation~~] authority -controlled
17 [~~public~~] harbors and park land, the [~~corporation~~] authority may
18 contract with a financial institution chartered under chapter
19 412 or a federal financial institution, as defined under section
20 412:1-109, that transacts business in this State or any state or
21 county agency to provide lease management services. For the
22 purposes of this subsection, "lease management services"
23 includes the collection of lease rent and any other moneys owed

1 to the [~~corporation~~] authority related to the lease of [~~public~~]
2 harbors and park land under the [~~corporation's~~] authority's
3 control.

4 (e) The [~~public~~] harbors and park land planning activities
5 of the [~~corporation~~] authority shall be coordinated with the
6 county planning departments and the county land use plans,
7 policies, and ordinances.

8 (f) The [~~corporation~~] authority may amend the [~~business~~
9 ~~and public~~] harbors and park land development plans as may be
10 necessary or appropriate.

11 (g) Any undertaking by the [~~corporation~~] authority
12 pursuant to this chapter shall be with the express [~~written~~]
13 consent of the [~~landowner or landowners directly affected~~]
14 department.

15 ~~[\$171C-7 Project facility program. (a) The corporation~~
16 ~~may develop a project to identify necessary project facilities~~
17 ~~within a project area.~~

18 ~~(b) Unless and except as otherwise provided by law,~~
19 ~~whenever the corporation undertakes, or causes to be undertaken,~~
20 ~~any project facility as part of a project, the cost of providing~~
21 ~~the project facilities shall be assessed against the real~~
22 ~~property in the project area specially benefiting from the~~
23 ~~project facilities. Subject to the express written consent of~~

1 ~~the landowners directly affected, the corporation shall~~
2 ~~determine the properties that will benefit from the project~~
3 ~~facilities to be undertaken and may establish assessment areas~~
4 ~~that include the properties specially benefiting from the~~
5 ~~project facilities. The corporation shall fix the assessments~~
6 ~~against the real property specially benefited.~~

7 ~~(c) Unless and except as otherwise provided by law, the~~
8 ~~corporation may adopt rules pursuant to chapter 91 to establish~~
9 ~~the method of undertaking and financing project facilities in a~~
10 ~~project area.~~

11 ~~(d) Any other law to the contrary notwithstanding, in~~
12 ~~assessing real property for project facilities, the corporation~~
13 ~~shall assess the real property within a project area according~~
14 ~~to the special benefits conferred upon the real property by the~~
15 ~~project facilities. These methods may include an assessment on a~~
16 ~~frontage basis or according to the area of real property within~~
17 ~~a project area, or any other assessment method that assesses the~~
18 ~~real property according to the special benefit conferred, or any~~
19 ~~combination thereof. No assessment levied under this section~~
20 ~~against real property specially benefited under this chapter~~
21 ~~shall constitute a tax on real property within the meaning of~~
22 ~~any law.~~

23 ~~(e) Any other provisions to the contrary notwithstanding,~~

1 ~~the corporation, at its discretion, may enter into any agreement~~
2 ~~with the county in which project facilities are located, to~~
3 ~~implement the purposes of this section.~~

4 ~~(f) If all or a part of the project facilities to be~~
5 ~~financed through bonds by the corporation may be dedicated to~~
6 ~~the county in which the project facilities are to be located,~~
7 ~~the corporation shall ensure that the project facilities or~~
8 ~~applicable portions thereof are designed and constructed to meet~~
9 ~~county requirements.]~~

10 ~~[H] §171C-8 [H] Approval of projects [7] and plans [7, and~~
11 ~~programs]. All [public] harbors and park lands optimization~~
12 ~~projects, [public] harbors and park land development plans [7, and~~
13 ~~project facility programs] developed by the [corporation]~~
14 ~~authority shall be approved by the board.~~

15 ~~[§171C-9 Revenue bonds, issuance.] (a) The corporation,~~
16 ~~with the approval of the governor, may issue, from time to time,~~
17 ~~revenue bonds in amounts not exceeding the total amount of bonds~~
18 ~~authorized to be issued by the legislature for the purpose of~~
19 ~~constructing, acquiring, remodeling, furnishing, and equipping~~
20 ~~any project facility, including the acquisition of the site of~~
21 ~~the facility, or acquiring non-public lands through purchase to~~
22 ~~sustain and preserve leisure or recreational enterprises within~~
23 ~~a contiguous geographic area.~~

1 ~~(b) All revenue bonds shall be issued pursuant to part III~~
2 ~~of chapter 39, except as provided in this chapter.~~

3 ~~(c) The revenue bonds shall be issued in the name of the~~
4 ~~corporation and not in the name of the State. The final maturity~~
5 ~~date of the revenue bonds may be any date not exceeding thirty~~
6 ~~years from the date of issuance.~~

7 ~~[\$171C-10] Revenue bonds; payment and security. (a) The~~
8 ~~revenue bonds shall be payable from and secured by the~~
9 ~~improvements to real properties specially benefited or improved~~
10 ~~and the assessments thereon, or by the revenues derived from the~~
11 ~~project facility for which the revenue bonds were issued,~~
12 ~~including revenue derived from insurance proceeds and reserve~~
13 ~~accounts, and earnings thereon.~~

14 ~~(b) The corporation may pledge revenues derived from the~~
15 ~~project facility financed from the proceeds of the revenue bonds~~
16 ~~to the punctual payment of the principal, interest, and~~
17 ~~redemption premiums, if any, on the revenue bonds.~~

18 ~~(c) The revenue bonds may be additionally secured by the~~
19 ~~pledge or assignment of the loans and other agreements or any~~
20 ~~note or other undertaking, obligation, or property held by the~~
21 ~~corporation to secure the loans.~~

22 ~~(d) Any pledge made by the corporation shall create a~~
23 ~~perfected security interest in the revenues, moneys, or property~~

1 ~~so pledged and thereafter received by the corporation, from and~~
2 ~~after the time that the financing statement with respect to the~~
3 ~~revenues, moneys, or property so pledged and thereafter received~~
4 ~~are filed with the bureau of conveyances. Upon the filing, the~~
5 ~~revenues, moneys, or property so pledged and thereafter received~~
6 ~~by the corporation shall immediately be subject to a lien of any~~
7 ~~pledge without any physical delivery thereof or having claims of~~
8 ~~any kind in tort, contract, or otherwise against the~~
9 ~~corporation, irrespective of whether the parties have notice~~
10 ~~thereof. This section shall apply to any financing statement~~
11 ~~heretofore or hereafter filed with the bureau of conveyances~~
12 ~~with respect to any pledge made to secure revenue bonds issued~~
13 ~~under this chapter.~~

14 ~~§171C-11 Revenue bonds; interest rate, price, and sale.~~

15 ~~(a) The revenue bonds issued pursuant to this chapter shall bear~~
16 ~~interest at a rate or rates and shall be payable on a date or~~
17 ~~dates, as the corporation shall determine.~~

18 ~~(b) The corporation shall include the costs of undertaking~~
19 ~~the project facility for which the revenue bonds are issued in~~
20 ~~determining the principal amount of revenue bonds to be issued.~~
21 ~~In determining the cost of undertaking the project facility, the~~
22 ~~corporation may include:~~

23 ~~(1) The cost of constructing, acquiring, remodeling,~~

- 1 ~~furnishing, and equipping the project facility,~~
2 ~~including the acquisition of the site of the facility,~~
3 ~~(2) The cost of purchasing or funding loans or other~~
4 ~~agreements entered into for the project facility,~~
5 ~~(3) The costs of studies and surveys,~~
6 ~~(4) Insurance premiums,~~
7 ~~(5) Underwriting fees,~~
8 ~~(6) Financial consultant, legal, accounting, and marketing~~
9 ~~services incurred,~~
10 ~~(7) Reserve account, trustee, custodian, and rating agency~~
11 ~~fees, and~~
12 ~~(8) Any capitalized interest.~~
13 ~~(c) The revenue bonds may be sold at public or private~~
14 ~~sale, and for a price as may be determined by the corporation.~~
15 ~~§171C-12 Revenue bonds; investment of proceeds and~~
16 ~~redemption. Subject to any agreement with the holders of its~~
17 ~~revenue bonds, the corporation may:~~
18 ~~(1) Invest its moneys not required for immediate use,~~
19 ~~including proceeds from the sale of revenue bonds, in~~
20 ~~any investment in accordance with procedures~~
21 ~~prescribed in a trust indenture, and~~
22 ~~(2) Purchase its revenue bonds out of any fund or money of~~
23 ~~the corporation available therefor, and hold, cancel,~~

1 ~~or resell the revenue bonds.~~

2 ~~[\$171C-13] Revenue bonds, subaccounts.~~ A separate
3 ~~subaccount shall be established for each project facility~~
4 ~~financed from the proceeds of the revenue bonds secured under~~
5 ~~the same trust indenture. Each subaccount shall be designated~~
6 ~~"project facility revenue bond subaccount" and shall bear~~
7 ~~additional designation as the corporation deems appropriate to~~
8 ~~properly identify the fund.~~

9 ~~[\$171C-14] Trustee, designation, duties.~~ (a) The
10 ~~corporation shall designate a trustee for each issue of revenue~~
11 ~~bonds secured under the same trust indenture.~~

12 ~~(b) The trustee shall be authorized by the corporation to~~
13 ~~hold and administer the project facility revenue bond subaccount~~
14 ~~established pursuant to section 13, to receive and receipt for,~~
15 ~~hold, and administer the revenues derived by the corporation~~
16 ~~from the project facility for which the revenue bonds were~~
17 ~~issued, and to apply these revenues to the payment of the cost~~
18 ~~of:~~

19 ~~(1) Undertaking the project facility,~~

20 ~~(2) Administering and operating the proceedings providing~~
21 ~~for the issuance of the revenue bonds,~~

22 ~~(3) The principal or interest on these bonds,~~

23 ~~(4) The establishment of reserves, and~~

1 ~~(5) Other purposes as may be authorized in the proceedings~~
2 ~~providing for the issuance of the revenue bonds.~~

3 ~~(c) Notwithstanding section 39-68 to the contrary, the~~
4 ~~director of finance may appoint the trustee to serve as fiscal~~
5 ~~agent for:~~

6 ~~(1) The payment of the principal of and interest on the~~
7 ~~revenue bonds; and~~

8 ~~(2) The purchase, registration, transfer, exchange, and~~
9 ~~redemption of the bonds.~~

10 ~~(d) The trustee shall perform additional functions with~~
11 ~~respect to the payment, purchase, registration, transfer,~~
12 ~~exchange, and redemption of the bonds, as the director of~~
13 ~~finance may deem necessary, advisable, or expeditious, including~~
14 ~~the holding of the revenue bonds and coupons that have been paid~~
15 ~~and the supervision of the destruction thereof in accordance~~
16 ~~with applicable law.~~

17 ~~(e) Nothing in this chapter shall limit or be construed to~~
18 ~~limit the powers granted to the director of finance in sections~~
19 ~~36-3, 39-13, and 39-68(a), to appoint the trustee or others as~~
20 ~~fiscal agents, paying agents, and registrars for the revenue~~
21 ~~bonds or to authorize and empower those fiscal agents, paying~~
22 ~~agents, and registrars to perform the functions referred to in~~
23 ~~those sections.~~

1

2 ~~§171C-15 Trust indenture.~~ (a) A trust indenture may
3 contain covenants and provisions authorized by part III of
4 chapter 39, and as may be deemed necessary or convenient by the
5 corporation for the purposes of this chapter.

6 (b) A trust indenture may allow the corporation to pledge
7 and assign to the trustee loans and other agreements related to
8 the project facility, and the rights of the corporation
9 thereunder, including the right to receive revenues thereunder
10 and to enforce the provisions thereof.

11 (c) A trust indenture shall also contain provisions as to:

12 (1) The investment of the proceeds of the revenue bonds,
13 the investment of any reserve for the bonds, the
14 investment of the revenues of the project facility,
15 and the use and application of the earnings from
16 investments; and

17 (2) The terms and conditions upon which the holders of the
18 revenue bonds or any portion of them or any trustee
19 thereof may institute proceedings for the foreclosure
20 of any loan or other agreement or any note or other
21 undertaking, obligation, or property securing the
22 payment of the bonds and the use and application of
23 the moneys derived from the foreclosure.

1 ~~(d) A trust indenture may also contain provisions deemed~~
2 ~~necessary or desirable by the corporation to obtain or permit,~~
3 ~~by grant, interest, subsidy, or otherwise, the participation of~~
4 ~~the federal government in the financing of the costs of~~
5 ~~undertaking the project facility.]~~

6 [+]§171C-16[+] Transfer of [public] harbors and park lands.

7 (a) Notwithstanding chapter 171 or any provision of this chapter
8 to the contrary, the department may transfer, subject to the
9 approval of the board of land and natural resources, development
10 rights for harbors and park lands ~~[under its jurisdiction]~~ to
11 the ~~[corporation]~~ authority for purposes of this chapter ~~[+~~
12 provided that:]. The department may not transfer harbors or
13 park lands in fee simple to the authority.

14 ~~[-(1) Development rights for all small boat harbors that~~
15 ~~have an existing contract in force and effect relating~~
16 ~~to a lease or development agreement, or a request for~~
17 ~~proposal that has been advertised or is under~~
18 ~~negotiation for capital improvements to harbor~~
19 ~~facilities as of July 1, 2011, shall be transferred to~~
20 ~~the corporation on July 1, 2011; provided that with~~
21 ~~regard to any:~~

22 ~~(A) Request for proposal that has been issued for~~
23 ~~which a contract has not been executed; or~~

1 ~~(B) Contract executed by the department that is in~~
2 ~~force and effect,~~
3 ~~on the effective date of this section that relates to~~
4 ~~the development or redevelopment of submerged or fast~~
5 ~~lands of a small boat harbor under the control of the~~
6 ~~department, if the public land corporation is not~~
7 ~~fully operational by July 1, 2011, the department~~
8 ~~shall continue to execute its responsibilities~~
9 ~~relating to negotiating or executing a contract for~~
10 ~~any such request for proposal or managing any existing~~
11 ~~contract until the corporation is able to assume the~~
12 ~~negotiating, oversight, and management~~
13 ~~responsibilities relating to the existing contract or~~
14 ~~request for proposal, as the case may be, or until~~
15 ~~June 30, 2013, whichever occurs first;~~

16 ~~(2) If the property to be developed is two hundred acres~~
17 ~~or less and the board of land and natural resources~~
18 ~~approves the transfer of development rights~~
19 ~~appurtenant to the property to be developed, the~~
20 ~~development rights shall be transferred to the~~
21 ~~corporation;~~

22 ~~(3) If the property to be developed is greater than two~~
23 ~~hundred acres and the board of land and natural~~

1 ~~resources approves the transfer of development rights~~
2 ~~appurtenant to the property to be developed, the~~
3 ~~development rights shall be transferred to the~~
4 ~~corporation, subject to disapproval by the legislature~~
5 ~~by two thirds vote of either the senate or the house~~
6 ~~of representatives or by majority vote of both houses~~
7 ~~in any regular or special session next following the~~
8 ~~date of transfer; and~~

9 ~~(4) The size of any property to be developed shall be~~
10 ~~deemed to be conclusively determined by the state~~
11 ~~surveyor, as established in section 26-6.]~~

12 (b) If the [~~corporation~~] authority finds that state lands
13 under the control and management of the department or other
14 public agencies are suitable for its purposes under this
15 chapter, the [~~corporation~~] authority may lease the lands from
16 the agency having the control and management of those lands,
17 upon such terms and conditions as may be agreed to by the
18 parties.

19 (c) Notwithstanding subsection (b) to the contrary, no
20 public lands shall be leased to the [~~corporation~~] authority if
21 the lease would impair any covenant between the State or any
22 county, or any department or board thereof, and the holders of
23 bonds issued by the State or the county, or any department or

1 board thereof.

2 §171C-17 [~~Hawaii public land~~] Harbors and parks development
3 revolving fund; established; use of [~~corporation~~] authority
4 funds. [~~(a)~~] There is from established the Hawaii public land
5 development revolving fund, to which shall be credited any state
6 appropriations to the fund, [~~any sums collected as a result of~~
7 ~~bonds issued pursuant to this chapter,~~] any revenues generated
8 from [~~the facilities, except as provided in section 171C-17.5~~
9 ~~and 171C-21,~~] harbors and park land development, or other moneys
10 made available to the fund, to be expended as directed by the
11 [~~corporation~~] authority.

12 [~~(b)~~] ~~Notwithstanding any provision of this chapter to the~~
13 ~~contrary, revenues, income, and receipts derived from the~~
14 ~~project facilities shall be set apart in a separate subaccount~~
15 ~~and applied solely for the following purposes:~~

- 16 ~~(1) The principal and interest on the bonds;~~
17 ~~(2) The cost of administering, operating, and maintaining~~
18 ~~the project not to exceed fifteen per cent of the sums~~
19 ~~collected, net of principal and interest payments, on~~
20 ~~account of assessments and interest for any specific~~
21 ~~project facility;~~
22 ~~(3) The establishment of program reserves not to exceed~~
23 ~~eighty five per cent of the sums collected, net of~~

1 ~~principal and interest payments, on account of~~
2 ~~assessments and interest for any specific project~~
3 ~~facility; provided that accumulated reserves shall be~~
4 ~~credited to and become a part of the special land and~~
5 ~~development fund, established under section 171-19,~~
6 ~~except in the case of a specific project facility that~~
7 ~~is situated in part or wholly within a small boat~~
8 ~~harbor, in which case those accumulated reserves~~
9 ~~attributable to the portions of the facility situated~~
10 ~~in the small boat harbor shall be credited to and~~
11 ~~become a part of the boating special fund, established~~
12 ~~under section 248-8; and~~

13 ~~(4) Other purposes as may be authorized in the proceedings~~
14 ~~providing for the issuance of the bonds.~~

15 ~~If any surplus remains in any subaccount after the payment of~~
16 ~~the bonds chargeable against that subaccount, the surplus~~
17 ~~shall be credited to and become a part of the Hawaii public~~
18 ~~land development revolving fund, except as provided in~~
19 ~~paragraph (3). Notwithstanding any other law to the contrary,~~
20 ~~moneys in the fund may be used to make up any deficiencies in~~
21 ~~the subaccount.~~

22 ~~(c) The corporation shall hold the fund in an account or~~
23 ~~accounts separate from other funds. Except as otherwise provided~~

1 ~~in subsection (b), the corporation shall invest and reinvest the~~
2 ~~fund and the income thereof to:~~

3 ~~(1) Purchase qualified securities issued by enterprises~~
4 ~~for the purpose of raising seed capital; provided that~~
5 ~~the investment shall comply with the requirements of~~
6 ~~this chapter;~~

7 ~~(2) Make grants, loans, and provide other monetary forms~~
8 ~~of assistance necessary to carry out the purposes of~~
9 ~~this chapter; and~~

10 ~~(3) Purchase securities as may be lawful investments for~~
11 ~~fiduciaries in the State.~~

12 ~~All appropriations, grants, contractual reimbursements, and~~
13 ~~other funds not designated for this purpose may be used to pay~~
14 ~~for the proper general expenses and to carry out the purposes of~~
15 ~~the corporation.~~

16 ~~(d) The corporation shall purchase qualified securities~~
17 ~~issued by an enterprise only after:~~

18 ~~(1) Receiving:~~

19 ~~(A) An application from the enterprise containing a~~
20 ~~business plan, which is consistent with the business~~
21 ~~and public land development plan, including a~~
22 ~~description of the enterprise and its management,~~
23 ~~product, and market;~~

- 1 ~~(B) A statement of the amount, timing, and projected use~~
2 ~~of the capital required;~~
- 3 ~~(C) A statement of the potential economic impact of the~~
4 ~~enterprise, including the number, location, and types~~
5 ~~of jobs expected to be created; and~~
- 6 ~~(D) Any other information as the corporation shall~~
7 ~~require;~~
- 8 ~~(2) Determining, based upon the application submitted,~~
9 ~~that:~~
- 10 ~~(A) The proceeds of the investment will be used only to~~
11 ~~cover the seed capital needs of the enterprise, except~~
12 ~~as authorized in this section;~~
- 13 ~~(B) The enterprise has a reasonable chance of success;~~
- 14 ~~(C) The enterprise has the reasonable potential to create~~
15 ~~employment within the State and offers employment~~
16 ~~opportunities to residents;~~
- 17 ~~(D) The coordinating entrepreneur and other founders of~~
18 ~~the enterprise have already made or are prepared to~~
19 ~~make a substantial financial and time commitment to~~
20 ~~the enterprise;~~
- 21 ~~(E) The securities to be purchased are qualified~~
22 ~~securities;~~
- 23 ~~(F) There is a reasonable possibility that the corporation~~

1 ~~will recoup at least its initial investment; and~~
2 ~~(C) Binding commitments have been made to the corporation~~
3 ~~by the enterprise for adequate reporting of financial~~
4 ~~data to the corporation, which shall include a~~
5 ~~requirement for an annual or other periodic audit of~~
6 ~~the books of the enterprise, and for control by the~~
7 ~~corporation that it considers prudent over the~~
8 ~~management of the enterprise, in order to protect the~~
9 ~~investment of the corporation, including membership on~~
10 ~~the board of directors of the enterprise, ownership of~~
11 ~~voting stock, input in management decisions, and the~~
12 ~~right of access to the financial and other records of~~
13 ~~the enterprise; and~~
14 ~~(3) Entering into a binding agreement with the enterprise~~
15 ~~concerning the manner of payback by the enterprise of~~
16 ~~the funds advanced, granted, loaned, or received from~~
17 ~~the corporation. The manner of payback may include the~~
18 ~~payment of dividends, returns from the public sale of~~
19 ~~corporate securities or products, royalties, and other~~
20 ~~methods of payback acceptable to the corporation. In~~
21 ~~determining the manner of payback the corporation~~
22 ~~shall establish a rate of return or rate of interest~~
23 ~~to be paid on any investment, loan, or grant of~~

1 ~~corporation funds under this section.~~

2 ~~(c) If the corporation makes a direct investment, it shall~~
3 ~~also find that a reasonable effort has been made to find a~~
4 ~~professional investor to make an investment in the enterprise as~~
5 ~~a coventure, and that the effort was unsuccessful. The findings,~~
6 ~~when made by the corporation, shall be conclusive.~~

7 ~~(f) The corporation shall make investments in qualified~~
8 ~~securities issued by an enterprise in accordance with the~~
9 ~~following limits:~~

10 ~~(1) Not more than \$500,000 shall be invested in the~~
11 ~~securities of any one enterprise, except that more~~
12 ~~than a total of \$500,000 may be invested in the~~
13 ~~securities of any one enterprise if the corporation~~
14 ~~finds, after its initial investment, that additional~~
15 ~~investments in that enterprise are required to protect~~
16 ~~the initial investment of the corporation, and the~~
17 ~~other findings set forth in subsection (d) and this~~
18 ~~subsection are made as to the additional investment;~~

19 ~~(2) The corporation shall not own securities representing~~
20 ~~more than forty nine per cent of the voting stock of~~
21 ~~any one enterprise at the time of purchase by the~~
22 ~~corporation after giving effect to the conversion of~~
23 ~~all outstanding convertible securities of the~~

1 ~~enterprise, except that if a severe financial~~
2 ~~difficulty of the enterprise occurs, threatening the~~
3 ~~investment of the corporation in the enterprise, a~~
4 ~~greater percentage of those securities may be owned by~~
5 ~~the corporation, and~~

6 ~~(3) Not more than fifty per cent of the assets of the~~
7 ~~corporation shall be invested in direct investments at~~
8 ~~any time.~~

9 ~~(g) No investment, loan, grant, or use of corporate funds~~
10 ~~for the purposes of this chapter shall be subject to chapter~~
11 ~~42F.~~

12 ~~§171C 17.5] Stadium facilities special fund. (a)~~

13 ~~There is established a stadium facilities special fund into~~
14 ~~which shall be deposited all proceeds from leases, permits,~~
15 ~~interest income generated from Aloha Stadium lands and~~
16 ~~facilities, and other revenue generated from the non-permanent~~
17 ~~disposition of Aloha Stadium lands and facilities under this~~
18 ~~chapter, less the following:~~

19 ~~(1) The principal and interest on bonds issued pursuant to~~
20 ~~this chapter for projects on Aloha Stadium lands or~~
21 ~~utilizing Aloha Stadium facilities;~~

22 ~~(2) The cost of administering, operating, and maintaining~~
23 ~~projects on Aloha Stadium lands or utilizing Aloha~~

1 ~~Stadium facilities, not to exceed fifteen per cent of~~
2 ~~the sums collected, net of principal and interest~~
3 ~~payments on bonds; and~~

4 ~~(3) Other sums that may be necessary for the issuance of~~
5 ~~bonds under this chapter.~~

6 ~~(b) The stadium facilities special fund shall be~~
7 ~~administered by the stadium authority. Except as otherwise~~
8 ~~provided, all moneys in the stadium facilities special fund~~
9 ~~shall be used exclusively for stadium purposes.]~~

10 ~~[§171C-18]~~ **Exemption from taxation.** The [corporation]
11 authority shall not be required to pay state taxes of any kind.

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

1
2 ~~[§171C-20]~~ Annual report. The ~~[corporation]~~ authority
3 shall submit to the governor and the legislature, no later than
4 twenty days prior to the convening of each regular session, a
5 complete and detailed report of its plans and activities.

6 ~~[[§171C-21] School facilities special fund.~~ (a) ~~There is~~
7 ~~established a school facilities special fund into which shall be~~
8 ~~deposited all proceeds from leases, permits, interest income~~
9 ~~generated from public school lands and facilities, and other~~
10 ~~revenue generated from the non permanent disposition of public~~
11 ~~school lands and facilities under this chapter, less the~~
12 ~~following:~~

13 ~~(1) The principal and interest on bonds issued pursuant to~~
14 ~~this chapter for projects on public school lands or~~
15 ~~utilizing public school facilities;~~

16 ~~(2) The cost of administering, operating, and maintaining~~
17 ~~projects on public school lands or utilizing public~~
18 ~~school facilities, not to exceed fifteen per cent of~~
19 ~~the sums collected, net of principal and interest~~
20 ~~payments on bonds; and~~

21 ~~(3) Other sums that may be necessary for the issuance of~~
22 ~~bonds under this chapter.~~

1 ~~(b) The school facilities special fund shall be~~
2 ~~administered by the department of education in consultation with~~
3 ~~the board of education. Except as otherwise provided, all moneys~~
4 ~~in the school facilities special fund shall be used exclusively~~
5 ~~for the new construction and upgrade of twenty-first century~~
6 ~~school facilities, and the retrofit and upgrade of existing~~
7 ~~school facilities to meet twenty-first century school~~
8 ~~standards.] "~~

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

11 "**§206E-4 Powers; generally.** Except as otherwise limited
12 by this chapter, the authority may:

- 13 (1) Sue and be sued;
- 14 (2) Have a seal and alter the same at pleasure;
- 15 (3) Make and execute contracts and all other instruments
16 necessary or convenient for the exercise of its powers
17 and functions under this chapter;
- 18 (4) Make and alter bylaws for its organization and
19 internal management;
- 20 (5) Make rules with respect to its projects, operations,
21 properties, and facilities, which rules shall be in
22 conformance with chapter 91;

- 1 (6) Through its executive director appoint officers,
2 agents, and employees, prescribe their duties and
3 qualifications, and fix their salaries, without regard
4 to chapter 76;
- 5 (7) Prepare or cause to be prepared a community
6 development plan for all designated community
7 development districts;
- 8 (8) Acquire, reacquire, or contract to acquire or
9 reacquire by grant or purchase real, personal, or
10 mixed property or any interest therein; to own, hold,
11 clear, improve, and rehabilitate, and to sell, assign,
12 exchange, transfer, convey, lease, or otherwise
13 dispose of or encumber the same;
- 14 (9) Acquire or reacquire by condemnation real, personal,
15 or mixed property or any interest therein for public
16 facilities, including but not limited to streets,
17 sidewalks, parks, schools, and other public
18 improvements;
- 19 (10) By itself, or in partnership with qualified persons,
20 acquire, reacquire, construct, reconstruct,
21 rehabilitate, improve, alter, or repair or provide for
22 the construction, reconstruction, improvement,
23 alteration, or repair of any project; own, hold, sell,

1 assign, transfer, convey, exchange, lease, or
2 otherwise dispose of or encumber any project, and in
3 the case of the sale of any project, accept a purchase
4 money mortgage in connection therewith; and repurchase
5 or otherwise acquire any project which the authority
6 has theretofore sold or otherwise conveyed,
7 transferred, or disposed of;

8 (11) Arrange or contract for the planning, replanning,
9 opening, grading, or closing of streets, roads,
10 roadways, alleys, or other places, or for the
11 furnishing of facilities or for the acquisition of
12 property or property rights or for the furnishing of
13 property or services in connection with a project;

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

18 (13) Prepare or cause to be prepared plans,
19 specifications, designs, and estimates of costs for
20 the construction, reconstruction, rehabilitation,
21 improvement, alteration, or repair of any project, and
22 from time to time to modify such plans,
23 specifications, designs, or estimates;

- 1 (14) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, to carry out the purposes of this
5 chapter, and engage the services of consultants on a
6 contractual basis for rendering professional and
7 technical assistance and advice;
- 8 (15) Procure insurance against any loss in connection with
9 its property and other assets and operations in such
10 amounts and from such insurers as it deems desirable;
- 11 (16) Contract for and accept gifts or grants in any form
12 from any public agency or from any other source;
- 13 (17) Do any and all things necessary to carry out its
14 purposes and exercise the powers given and granted in
15 this chapter;
- 16 (18) Allow satisfaction of any affordable housing
17 requirements imposed by the authority upon any
18 proposed development project through the construction
19 of reserved housing, as defined in section 206E-101,
20 by a person on land located outside the geographic
21 boundaries of the authority's jurisdiction; provided
22 that the authority shall not permit any person to make
23 cash payments in lieu of providing reserved housing,

1 except to account for any fractional unit that results
2 after calculating the percentage requirement against
3 residential floor space or total number of units
4 developed. The substituted housing shall be located
5 on the same island as the development project and
6 shall be substantially equal in value to the required
7 reserved housing units that were to be developed on
8 site. The authority shall establish the following
9 priority in the development of reserved housing:

- 10 (A) Within the community development district;
11 (B) Within areas immediately surrounding the
12 community development district;
13 (C) Areas within the central urban core;
14 (D) In outlying areas within the same island as the
15 development project.

16 The Hawaii community development authority shall adopt
17 rules relating to the approval of reserved housing that are
18 developed outside of a community development district. The
19 rules shall include, but are not limited to, the
20 establishment of guidelines to ensure compliance with the
21 above priorities; and

- 22 (19) Assist the [~~public land development corporation~~]
23 harbors and parks development authority established by

1 section 171C-3 in identifying [~~public~~] harbors and
2 park lands that may be suitable for development,
3 carrying on marketing analysis to determine the best
4 revenue-generating programs for the [~~public~~] harbors
5 and park lands identified, entering into public-
6 private agreements to appropriately develop the
7 [~~public~~] harbors and park lands identified, and
8 providing the leadership and technical support and
9 expertise for the development, financing, improvement,
10 or enhancement of the selected development
11 opportunities regardless of whether the development
12 opportunities are within a community development
13 district; provided that no assistance shall be
14 provided unless the authority authorizes the
15 assistance."

16 SECTION 6. Act 282, Session Laws of Hawaii 2012, is
17 amended by repealing Section 1.

18 [~~SECTION 1. (a) The division of boating and ocean~~
19 ~~recreation is directed to transfer the development rights of the~~
20 ~~parcels of land identified by tax map keys (3)7 4 08:03 and~~
21 ~~(3)7 4 08:41 to the public land development corporation, and the~~
22 ~~land division is directed to transfer the development rights of~~
23 ~~the parcel of land identified by tax map key (3)7 4 08:71 to the~~

H.B. NO. 942

1 ~~public land development corporation; provided that the division~~
 2 ~~of boating and ocean recreation and the land division shall~~
 3 ~~continue to execute their respective responsibilities relating~~
 4 ~~to negotiating or executing a contract for any request for~~
 5 ~~proposal or managing any existing contract until the public land~~
 6 ~~development corporation is able to assume the negotiating,~~
 7 ~~oversight, and management responsibilities relating to the~~
 8 ~~existing contract or request for proposal, as the case may be,~~
 9 ~~or until June 30, 2013, whichever occurs first.~~

10 ~~(b) The public land development corporation shall~~
 11 ~~coordinate the development of the land pursuant to chapter 171C,~~
 12 ~~Hawaii Revised Statutes."]~~

13 SECTION 7. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect upon its approval.

17 INTRODUCED BY: _____



18 BY REQUEST

JAN 22 2013

H.B. NO. 942

Report Title:

Harbors and Parks Development Authority

Description:

Establishes the Harbors and Parks Development Authority to coordinate and administer programs to make optimal use of harbors and park lands, while ensuring that the public lands are maintained for the people of Hawaii.

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

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO HARBORS AND PARKS DEVELOPMENT.

PURPOSE: To establish the Harbors and Parks Development Authority. The authority shall coordinate and administer programs to make optimal use of harbors and park lands, while ensuring that the public lands are maintained for the people of Hawaii. Revenues generated by the authority may be used to offset the regulatory and management functions of the department of land and natural resources.

MEANS: Amend sections 104-2, 171-2, 171-64.7, 173A-4, 173A-5, 206E-4, Chapter 171C, Hawaii Revised Statutes (HRS), Act 282, Session Laws of Hawaii 2012.

JUSTIFICATION: Certain public lands under the jurisdiction of the department of land and natural resources that are used for harbors, boating facilities and parks can be improved. However, the department of land and natural resources is hamstrung by its limited mission and limited resources.

Creating a development arm of the department of land and natural resources, similar to the Hawaii community development authority, and placing appropriate harbor, boating and park lands into the new agency's jurisdiction may help to create quality recreation and leisure areas, while also creating revenue-generating opportunities for the new agency. In turn, revenues generated may also be used to offset the regulatory and management functions of the department of land and natural resources.

Impact on the public: Improved state small boat harbors, boating facilities and parks may serve the State and its people better if managed and developed into suitable recreational and leisure centers where the public can congregate and where visitors to our State can go as part of their holiday experience.

Impact on the department and other agencies: This bill will create revenue-generating opportunities for the new agency. In turn, revenues generated may be used to offset the regulatory and management functions of the department of land and natural resources, which is direly needed.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR xxx.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR
Chairperson**

**Before the House Committee on
TRANSPORTATION**

**January 30, 2013
10:00 AM
State Capitol, Conference Room 309**

**In consideration of
HOUSE BILL 942
RELATING TO HARBORS AND PARKS DEVELOPMENT**

House Bill 942 proposes to amend Chapter 171C, Hawaii Revised Statutes (HRS), and establishes the Harbors and Parks Development Authority to coordinate and administer programs to make optimal use of harbors and park lands, while ensuring that the public lands are maintained for the people of Hawaii. The Department of Land and Natural Resources (“Department”) strongly supports this Administration measure.

The Department believes there are certain public lands that are greatly underutilized and in severe need of repair and maintenance, particularly small boat harbors and state parks that can be improved and enhanced to benefit the people of Hawaii. As such, the Department supports House Bill 942 for its potential to facilitate and enhance the use of public lands for public purposes.

Revising Chapter 171C, HRS, to create a development arm of the Department, similar to the Hawaii Community Development Authority, and placing appropriate small boat harbor, boating facilities, and state parks under its jurisdiction may help to create quality recreation and leisure areas, while also creating revenue-generating opportunities. Such revenues may be used to support and sustain the Department’s scant resources for regulatory and management functions.

The Honolulu Star Advertiser published a cogent editorial piece on January 27, 2013 that presents a succinct justification for supporting this measure, and is attached for your convenience.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA’AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Making most of state lands seems doable

http://www.staradvertiser.com/editorialspremium/20130127_Making_most_of_state_lands_seems_doable.html

POSTED: 01:30 a.m. HST, Jan 27, 2013 StarAdvertiser.com

Gov. Neil Abercrombie has chalked a middle path in land utilization that deserves serious exploration during the current legislative session. It lies between the status quo of undercapitalized state resources and the controversial Public Land Development Corp., which drew heated criticism from those concerned that the public would not have a say in its projects.

Along with an earlier proposal enabling easier redevelopment of public schools properties, the proposed Harbors and Parks Development Authority represents a rational effort to boost the public benefit of state-owned lands in three categories that have been the most difficult to manage.

As for the proposed harbors and parks authority, it is designed to be a scaled-back version of the PLDC. The legislation (Senate Bill 1173, and its twin in the other chamber, House Bill 942) borrows language from the establishment of the corporation and substitutes the authority's name throughout.

However, it is far more targeted than the wide-ranging PLDC goal of developing any state-owned land, and it lacks the broad permitting exemptions that had PLDC opponents so riled.

At this stage, curtailment seems to be the right approach, allowing the state to demonstrate the potential of public-private partnerships while basically remaining under the current system of land-use reviews.

It's anything but revolutionary. Especially in the parks arena, public-private partnerships are gaining favor in other states, where elected officials see the idea as preferable to closing parks for lack of taxpayer resources.

New Jersey Gov. Chris Christie, for instance, has a plan aimed at weaning state parks there off the public purse. There are many variations, and Hawaii needs to make sure any privatization effort here operates within Hawaii's own constraints.

Just to name one example: Some private management schemes, which offer the benefit of lower labor costs, could lead to hefty admission charges and other revenue producers that would be at odds with Hawaii's tradition of free access to the shoreline. So many of our park lands lie at the water's edge, so this would need to be watched carefully.

Further, there are certain concessions such as fast-food outlets and other activities that could overwhelm some park settings. But rather than spell out precisely what the limits should be, the bill would correctly expose all proposals to the sunlight of public hearing. The overarching aim

of producing new revenue for park upkeep is a sound one, but conditions will need to be set in the course of public review.

As for the harbors — which in Hawaii have been famous for maintenance lapses — carefully monitored private management and investment could help, finally, to clear the repairs backlog. Under existing law, such an effort at multi-use redevelopment is being tried at Ala Wai Small Boat Harbor, where Honey Bee USA Inc. is creating commercial spaces and restaurants. Some harbor residents have objected to the wedding chapel going in as being too disruptive, although it's at the mauka end of the project. There's another example of why public hearings, early in the planning stages, are so critical to achieving the right balance in redevelopment.

It's not yet clear whether the Legislature will decide simply to repeal the PLDC law, rendering its controversial regulation proposals moot, as some would like. But creating a separate agency, whose mission is redevelopment and whose staff would have the expertise, is still the wiser course.

Amending the law to replace the PLDC with the proposed authority seems the preferable option. Designed properly, the new agency could achieve most of the same goals without placing too much strain on public trust — a resource that, like parks and harbor finances, is in short supply.

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BIA-HAWAII

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W. Bruce Barrett

Castle & Cooke Homes Hawaii, Inc.

Testimony to the House Committee on Transportation Wednesday, January 30, 2013

10:00 a.m.

State Capitol - Conference Room 309

RE: HOUSE BILL NO. 942, RELATING TO HARBORS AND PARKS DEVELOPMENT

Dear Chair Yamane, Vice Chair Ichiyama, and members of the committee:

My name is Gladys Marrone, Director of Government Relations for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, affiliated with the National Association of Home Builders.

BIA-Hawaii **supports the intent** of H.B. No. 942, which proposes to amend Chapter 171C HRS by eliminating the Public Land Development Corporation (PLDC) and replacing it with the proposed Harbors and Parks Development Authority. The new proposed authority would coordinate and administer programs to make optimal use of harbors and park lands, while ensuring that the public lands are maintained for the people of Hawaii.

The bill essentially modifies the existing statute for the PLDC and provides a narrow focus for the newly proposed authority. Similar to PLDC, the business community supports the need to provide opportunities for new businesses to utilize existing public assets.

Perhaps the legislation should also provide for more direction on implementation of the program by outlining some specific policy goals such as generating revenues for the Department of Land and Natural Resources to reduce its general fund appropriations. Having specific goals and objectives may avoid some of the problems encountered in implementation of the PLDC legislation.

Thank you for the opportunity to express our views on this matter.



**Testimony to the House Transportation Committee
Wednesday, January 30, 2013
10:00 a.m.
State Capitol - Conference Room 309**

RE: HOUSE BILL NO. 942, RELATING TO HARBORS AND PARKS DEVELOPMENT

Chair Yamane, Vice Chair Ichiyama, and members of the committee:

The Chamber of Commerce of Hawaii supports the intent of H.B. No. 942 which proposes to the Harbors and Parks Development Authority. The new proposed authority would coordinate and administer programs to make optimal use of harbors and park lands, while ensuring that the public lands are maintained for the people of Hawaii.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The business community supports the need to provide opportunities for new businesses to utilize existing public assets. Perhaps the legislation should also provide for more direction on implementation of the program to outline some specific policy goals such as generating revenues for the Department of Land and Natural Resources to reduce its general fund appropriations.

Thank you for the opportunity to express our views on this matter.



25 Malunui Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

January 31, 2013

COMMITTEE ON TRANSPORTATION

Rep. Ryan I. Yamane, Chair

Rep. Linda Ichiyama, Vice Chair

HB 942 RELATING TO HARBORS AND PARKS DEVELOPMENT

Committee Chair and members:

Hawaii's Thousand Friends opposes HB 942 that establishes the harbors and Parks Development Authority to coordinate and administer programs to make optimal use of harbors and park lands.

HB 942 is just a remake of Act 55 (2011), which created the Public Land Development Corporation (PLDC) HRS Chapter 171-C. Just because the title is changed does not mean that the impacts from making "optimal use of harbors and park lands" will be any less or that the public will accept the new purpose as being in their best interest any more.

Under the new name Harbors and Parks Authority nothing has really changed. *Maybe* agricultural lands are off the table but conservation land i.e. harbors and parks can still be developed for optimal use.

Hawaii's small boat harbors are susceptible to optimal development because each of 21 Hawaii's harbors is surrounded by acres of fast land that can be developed and the 54 launching ramps have some really nice property with lots of potential.

Hawaii's 55 state parks with acres of open space such as Diamond Head (Oahu), Koke`e (Kauai), Hapuna (Big Island), Makena (Maui) and Pala`au (Molokai) are susceptible to optimal development under HB 942.

Creating a new authority isn't free. The PLDC budget of \$136,000 given by the legislature to pay for a PLDC executive director and office space came from the Hawai`i Legacy Land Conservation Program. This fund was created to provide grants to local organizations and agencies seeking to purchase and protect lands having unique and rare valuable resources.

While administrative assistance and office space for PLDC was provided by DLNR this diversion means that staff has spent untold hours working on PLDC issues such as the Land Division working on rule making and helping prepare the optimization plan instead of their positions within DLNR. Couldn't the \$136,000 have been better spent by DLNR for resource protection or enforcement? Couldn't DLNR employee's time been better spent at their regular jobs instead of side tracked to a new corporation?

How will the new Harbors and Parks Development Authority be financed? Will other funding sources be raided to pay for the Authority? Will DLNR employees once again be pulled from their positions to devote time to the new Authority?

The public has spoke NO PLDC even if the name is changed to Harbors and Parks the intent remains the same - "optimal" development of conservation lands for office space, commercial uses, and accommodations i.e. homes, hotels, timeshares, vacation rentals.

Does the legislature once again want to make a policy statement that "optimal use" of public lands for economic gain is the best use of our islands finite and fragile resources?

Or should this years legislative policies reflect what is pono and follow the State Constitution Article XI, Section 1 – *For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all resources, including land, water, air, minerals and energy sources.....*



LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai`i 96817

Phone: 533-3454 henry.lifeoftheland@gmail.com

COMMITTEE ON TRANSPORTATION

Rep. Ryan I. Yamane, Chair

Rep. Linda Ichiyama, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, January 30, 2013

TIME: 10:00 am

PLACE: Conference Room 309, State Capitol

HB 942 Public Lands Development Corporation (PLDC) is renamed the Harbors and Parks Development Authority (HAPDA)

Aloha Chair Yamane, Vice Chair Ichiyama and Members of the Committee

The community is outraged that the PLDC was created by Act 55 in 2011.

The PLDC was given broad powers to bypass five decades of state and county legislation protecting public trust resources, encouraging community input, promoting sunshine and implementing safeguards to prevent bad governmental actions.

Dressing up PLDC in other clothes and re-naming it HAPDA is not the solution.

Two-thirds of all State Representatives have signed on to repeal bills.

Let's repeal PLDC

Mahalo

Henry Curtis
Executive Director



MAUI TOMORROW

Protecting Maui's Future

Jan. 29, 2013

Rep. Ryan Yamane
Chairperson
House Committee on Transportation

Re: HB 942 Harbors and Parks Development Authority (HPDA)

Aloha Rep. Yamane and Committee Members,

Maui Tomorrow Foundation, Inc. has great concern over HB 942 which establishes the Harbors and Parks Development Authority to coordinate and administer programs to make optimal use of harbors and park lands. Of particular concern to our community is what this proposed bill might allow at Makena State Park. Our organization has long been involved in working with stakeholders and state DLNR to ensure the completion of an updated master plan for Makena State Park which balances the protection of cultural practices, burial and archaeological sites with the park's recreational, landscaping, parking and facility needs, keeping the character of this "wilderness" park in place.

We testified numerous times during the Lingle administration when Recreational Renaissance Plan B was proposed as a way of developing revenue for DLNR and deeply appreciated the support of our Maui County Council when they voted unanimously to pass a resolution asking DLNR to postpone implementation of Recreational Renaissance Plan B as it pertained to Makena State Park until the park's master plan is completed.

We continue to believe that, as a heavily used resource, Makena State Park's carrying capacity, environmental and cultural concerns and the desires of the community must be thoroughly examined prior to further infrastructure and other impacts affecting this precious resource as proposed in HB 942.

We look forward to working together with the state DLNR and the Maui community as we move towards the completion of Makena State Park's master plan and ask that you not approve HB 942.

Sincerely,

Irene Bowie

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 5:58 PM
To: TRNtestimony
Cc: peepail@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Kasak	Occupy the PLDC	Oppose	No

Comments: Would a stench blossom by any other name smell the same? Apparently that's what some in the legislature might think, as this PLDC passed off in clothing designed to sneak past the sleeping sheeple is obviously more of the same stink. Repeal the PLDC. Do not fix this lemon. No lemonade. No powerade. No to non-democratic anti-regulatory, pro-"development" stink. Hawai'i State Legislature... you should have expected us.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 10:47 PM
To: TRNtestimony
Cc: richoep@aloha.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Rich Hoepner	People for the Preservation of Kauai	Oppose	No

Comments: Hawaiian Land is Sacred, not a commodity. Parks and harbors are Hawaiian Land. HB942 is a rerun of Act 55 with a different name and should be killed in committee, leaving Act 55 to be repealed. If it is not repealed we will file in court to get it declared unconstitutional as we did with ActII.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 11:18 PM
To: TRNtestimony
Cc: nimo1767@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Petricci	Puna Pono Alliance	Oppose	No

Comments: Aloha My name is Robert Petricci, I am testifying in opposition to HB 942 for the Puna Pono Alliance. It is understood by most if not all in these chambers the galvanizing effect the PLDC has had on citizens and organizations across the state of Hawaii. Every island has joined this effort, we are now united in ways rarely seen in recent history to call for a complete repeal of act 95 - the Public Land Development Corporation. Puna Pono Alliance is part of this new coalition, we support a complete repeal of not only act 55 but of the mind set that gives birth to these continuing attempts to remove public participation and environmental checks and balances. We believe the unchecked influence of corporations in our government law making process has reached a crisis that is being manifested in legislation like act 55, and HB 942 Puna Pono Alliance oppose all legislation that works to circumvent the public's participation by simply painting the PLDC's fundamental flaws with into new legislation using a different brush. The overwhelming concern of people across the state remains even when limiting PLDC like entities to harbors or other so called clearly identified projects. We oppose any new laws that do not address our specific concerns relating to interfering with or prohibiting public input, hog tying zoning laws, and circumventing environmental protections. The government has a primary responsibility to the people and our aina. To often predatory development is given priority over the environment, culture, and our way of life. The HCDA and the Agribusiness Development Corporation have sprung from a PLDC mentality that has infected our law making process. We see the results of a blind trust in development that has given rise what can only be described as a reckless disregard for the interests of the environment, and our way of life manifested all around us today, we have lost to much already. The people, our island home, our very lifestyle has been degraded, or surrendered for corporate interest and profits. The PLDC and variations of it are not pono for the fundamental reasons outlined above. We humbly ask HB942 be rejected by this committee. Mahalo. Robert Petricci President of the Puna Pono Alliance

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COMMITTEE ON TRANSPORTATION

Rep. Ryan I. Yamane, Chair

Rep. Linda Ichiyama, Vice Chair

DATE: Wednesday, January 30, 2013

TIME: 10:00am

PLACE: Conference Room 309, State Capitol

Re: HB 942 **PUBLIC** land development

Position: Opposed

Aloha Chair Yamane, Vice Chair Ichiyama and Members of the Committee,

I am Nancy Aleck, a 60+ year-old community activist and nonprofit worker.

Slow down.

Each land use idea should be carefully studied and given full community vetting.

Good plans will rise to the top.

Development should be for the common good, not for corporate profit.

No name change.

No modification.

No gut and replace.

REPEAL the PLDC.

Thank you for your consideration.

Nancy Aleck

PO Box 61212

Honolulu 96839

Honolulu Star-Advertiser

What should the Legislature do with the Public Land Development Corp. (PLDC)?

- **A. Repeal it (78%, 784 Votes)**
- B. Modify it (16%, 163 Votes)
- C. Keep it (6%, 58 Votes)

Total Voters: **1,004**

Start Date: January 20, 2013 @ 12:00 am

End Date: January 20, 2013 @ 4:00 pm

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 8:40 PM
To: TRNtestimony
Cc: jonthebru@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
John G Bruce	Individual	Oppose	No

Comments: The PLDC must be repealed before we consider other legislation. This is a whitewash to hide the true nature of commercializing our various, valuable public lands to benefit the few. You legislators created these problems and I feel it is not right to sell out future generations for short term clearing of the budget. Once there is development on a section of land it will never, ever be in the public ownership again. A very, very bad idea.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 1:10 PM
To: TRNtestimony
Cc: Karen@RedwoodGames.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Chun	Individual	Oppose	No

Comments: We need to REPEAL the PLDC...not rename it, not reduce its scope -- REPEAL it. The act will still have noxious provisions which curtail citizen and County control over what gets built.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 8:49 AM
To: TRNtestimony
Cc: mh@interpac.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Oppose	No

Comments: We need to repeal the PLDC before we consider other legislation.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 10:41 AM
To: TRNtestimony
Cc: icec002@hawaii.rr.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Ice	Individual	Oppose	No

Comments: I have yet to see or hear what the "problem" is that any of this would solve. What prevents agencies now from cooperating, from leasing state lands for appropriate projects? With such poor planning, send proponents back to the drawing board -- no more short cuts, end-runs, artificial solutions, by-passing a proper public review of projects proposing to use public trust assets.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 5:21 PM
To: TRNtestimony
Cc: redahi@hawaii.rr.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Oppose	No

Comments: This bill has flaws too numerous to consider. Please oppose.

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 7:07 PM
To: TRNtestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Oppose	No

Comments: Aloha, HB 942, the Harbors and Parks Development Authority - is hardly any different than the PLDC, which angered the whole state. Somebody sure has a lot of nerve. Call Marion Higa back to work to get this state in order.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 2:16 PM
To: TRNtestimony
Cc: athurston@irmt.org
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/27/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Thurston	Individual	Oppose	No

Comments: No act designed to amend or rename Act 55 relating to the PLDC is acceptable. Act 55 must be repealed before any new action is considered. The feeling regarding this issue is very strong, and the legislature has a responsibility to listen to the voice of the people.

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It is clear that this bill is simply “old wine in new bottles.” It changes nothing of consequence. This is an attempt to disguise the fact that certain very powerful political/corporate interests in Hawai’i are making a concerted effort to privatize public lands and resources, to provide opportunities for profit maximization to favored companies at the cost of the degradation and loss of our a’ina. Governor Neil Abercrombie should be ashamed of his role in this. In a broken political system we can have no trust in the state authorities to protect the public interest in so-called contractual negotiations over leases. But more, importantly, the state exists to protect and nurture our public lands from predators not to hand them over for exploitation.

Noel Kent Ph.D

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 10:44 AM
To: TRNtestimony
Cc: denniskleid@att.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Kleid	Individual	Oppose	No

Comments: This is just wrong for private interprises to do this to our parks and harbors: "Permissible uses of harbors and park land pursuant to this chapter shall include but not be limited to office space; vehicular parking; commercial uses; accommodations" REPEAL HB942 FIRST - then we can start fresh if we want a true harbors and parks bill that is in the public interest, instead of corporate interest. In the meantime we can use existing codes and ordinances that are implemented by our neighbors that received our votes to represent us on these important projects on our public lands. We don't need a "corporation" or an "Authority" to replace the views of the people we voted for.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB942 should not be adopted in its current form for a number of reasons:

1. It ignores the community need for small boat recreational facilities for Hawaii residents.
2. It fails to require that activities be consistent with county planning and zoning.
3. It will open all small boat recreational harbors to hotel development and access restrictions as occurred at Koolina.
4. The board of directors fails to include environmental and community organizations or urban planners even though it is to adopt long-range plans.
5. It creates a new bureaucracy for planning that can be done by the existing State Office of Planning.
6. It exempts employees from Chapter 76 Civil Service requirements which, for no reason, takes away professional qualification standards, and opens hiring to political abuse.

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 7:41 AM
To: TRNtestimony
Cc: 420isdank@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Angela starr	Individual	Oppose	No

Comments: I have watched this island turn from paradise for all to, you can't enjoy any thing anymore because of you stupid and unnecessary laws. All the places I used to go with my kids, to teach them the ways of the land, to fish, to farm, to take care of the aina and themselves is all gone now. Forced to share a small spot, no privacy,how can you pray when theres a radio blasting next to you?

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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 6:24 AM
To: TRNtestimony
Cc: ttravis12@mac.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Travis	Individual	Oppose	No

Comments: I ask that you vote against HB 942. The PLDC attempts to “fast track” development of public lands through partnership with private developers. We must examine what “fast track” means in this context. The PLDC has broad legal authority to bypass years of safeguards included in many separate acts enacted by the State Legislature over the last decades. While it may be true that these many separate acts present a labyrinthian challenge to developers, a challenge that hinders Hawaii’s business friendliness, it is also true that the acts each contain hard fought and hard won gains for communities and the environment. Many of the provisions of the individual acts reflect reaction to the negative consequences of poorly thought-out business development. A genuine effort to “fast track” desired development should address making navigation of the many laws and regulatory agencies more feasible, not undoing the safeguards and protections embedded in those laws and agency regulations. Rather than taking this approach, PLDC “bulldozes” safeguards and protections to make business development easier. The thrust of making the laws more navigable is different than the thrust of bypassing laws that contain safeguards and protections. Both are different processes with different goals. PLDC must be repealed in its entirety. Its concept was flawed in creation. The concept cannot be fixed by amendment. Those that argue that we must bypass safeguards and protections that give voice to communities and the environment must not sit in the traffic from Ewa Oahu as they travel to work. They must not transfer children in parking lots from one parent to the other as the parents work three or four jobs. They must not search for the few remaining beautiful local spots that are being swallowed up by concrete and asphalt. I think an old man who knew the Islands forty years ago and who knows them now would wonder if we are making progress. He probably would say we need more safeguards, more protections, and more planning....not less. Vote no on HB 942.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 5:36 AM
To: TRNtestimony
Cc: stephen.paulmier@verizon.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Paulmier	Individual	Oppose	No

Comments: I support a complete repeal of Act 55. I do not trust any of the legislation that works to circumvent the public process or even simply limit the PLDC to the harbors or clearly identified projects as HB942 clearly is an attempt to do. We need separate legislation to address these specific areas that still allow for public input, zoning and environmental protection. The government is meant to protect the people from the predatory developers, not the other way around. The HCDA and the Agribusiness Development Corporation are two exhibits of the level of over-reach and disdain for the interests of the environment or the people in favor of outside profits. No PLDC, HB942 or future variations of it are acceptable. Mahalo.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 11:57 PM
To: TRNtestimony
Cc: hecht.deb@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Debbie Hecht	Individual	Oppose	No

Comments: This just renames the PLDC. We do NOT want public lands to be managed by another entity. Why can't DLNR just do their jobs?

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 6:33 PM
To: TRNtestimony
Cc: bill@puna.us
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Smith	Individual	Oppose	No

Comments: Please do not recommend this or any bill that does not completely repeal Act 55 and HRS Chapter 171C relating to the public land development corporation (PLDC). The PLDC must be eliminated before considering any similar legislation

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Sent: Monday, January 28, 2013 6:10 PM
To: TRNtestimony
Cc: gjlast@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Geoffrey Last	Individual	Oppose	No

Comments: Act 55 can not be amended it needs to be repealed it does not have the best interests of the community at heart and never will in any form. It is another move by certain politicians hand in hand with developers to cut the public out of its rights, Thank you

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To: TRNtestimony
Cc: inunyabus@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine D.	Individual	Oppose	No

Comments: Aloha Legislators, HB 942 is to impose PLDC methods and operating standards on Public Lands only without the title, PLDC to which the public has rejected statewide. This is simply another back door tactic that is sleazy and undignified for legislators to take part in; why continue to waste our tax dollars in time and effort in this legislature when anything pertaining to or having similar characteristics to PLDC will be eventually thrown out? You are apparently not mindful of the lawsuit costs to taxpayers and the irreparable harm to Hawaii. Do you realize how peculiar it looks to have the OHA administrator as the Director of Finance? Appearing more and more like you are crossing some boundaries and criminal statutes. It is conflicted and subverts the Native Hawaiian beneficiary trust entity by entangling that office to collude with a few legislators ' attempts to thwart the Hawaii State Constitution. Again, you are reaching too far. "Optimization" plans are not in the best interest of protecting and preserving this unique environment nor, is the result, which is Privatization. That is your job: To Protect and Preserve the unique environment of the Hawaiian Islands. Nothing in this bill serves the Native Hawaiians, the general public or a healthy environment and sound economic development. Hawaii residents have made it clear that PLDC style administrative oversight is not acceptable. The constitution has as well.

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To: TRNtestimony
Cc: akamaimom@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Oppose	No

Comments: This HB492 seems like another version of the PLDC. I oppose it and all reformations of that bad legislation that places the expedience of developers above the will of the people or even the public process. It is the job of government to be able to manage the resources. Do not sell the rights to our public infrastructure.

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Sent: Monday, January 28, 2013 5:20 PM
To: TRNtestimony
Cc: bigislandpaul@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Kuykendall	Individual	Oppose	No

Comments: Please vote NO on any bill that does not completely repeal the PLDC. The PLDC must be repealed before we consider other legislation There are a number of ACT 55 Repeal bills for the Public Land Development Corporation. I support a complete repeal. I do not trust any of the legislation that works to circumvent the public process or even simply limit the PLDC to the harbors or clearly identified projects. We need separate legislation to address these specific areas that still allow for public input, zoning and environmental protection. The government is meant to protect the people from the predatory developers, not the other way around. The HCDA and the Agribusiness Development Corporation are two examples of the level of over-reach and disdain for the interests of the environment or the people in favor of outside profits. No PLDC or future variations of it are acceptable. Mahalo

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Sent: Monday, January 28, 2013 5:12 PM
To: TRNtestimony
Cc: suzannewakelin@yahoo.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/28/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Oppose	No

Comments: Please vote NO on any bill that does not completely repeal the PLDC. The PLDC must be repealed before we consider other legislation. There are a number of ACT 55 Repeal bills for the Public Land Development Corporation. I support a complete repeal. I do not trust any of the legislation that works to circumvent the public process or even simply limit the PLDC to the harbors or clearly identified projects. We need separate legislation to address these specific areas that still allow for public input, zoning and environmental protection. The government is meant to protect the people from the predatory developers, not the other way around. The HCDA and the Agribusiness Development Corporation are two examples of the level of over-reach and disdain for the interests of the environment or the people in favor of outside profits. No PLDC or future variations of it are acceptable. Mahalo

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Sent: Tuesday, January 29, 2013 9:02 AM
To: TRNtestimony
Cc: jenadillon@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Dillon	Individual	Oppose	No

Comments: I am strongly opposed to letting private companies commercialize Makena Beach. Please do not pass this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 9:50 AM
To: TRNtestimony
Cc: Sboeckman@hotmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Boeckman	Individual	Oppose	No

Comments: I specifically oppose Makena, Maui being included in this bill. I also oppose the omission of OHA in the bill. I would support this if a compromise was made completely omitting Makena from the Bill and if either local counties and planning commissions or OHA had authority over projects and labor used. Joint authority would be acceptable. However, the complete omission of local governments in this case is not acceptable where our most precious land is at stake.

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Sent: Tuesday, January 29, 2013 10:35 AM
To: TRNtestimony
Cc: mauipeaceaction@earthlink.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Mele Stokesberry	Individual	Oppose	No

Comments: This bill is the PLDC under another name. It is bad for the people and the aina, now and for future generations, as it will allow for commercialization of open spaces and publicly owned natural resources.

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Sent: Tuesday, January 29, 2013 11:14 AM
To: TRNtestimony
Cc: pattio57@mac.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Osborne	Individual	Oppose	No

Comments: Leave Makena as it is. It is a hugely sensitive and ecologically important area, as well as one of great cultural significance for the Hawaiian people. PLEASE DO NOT DEVELOP MAKENA ANY MORE THAN IT ALREADY IS, WHICH IS TOO MUCH!

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Sent: Tuesday, January 29, 2013 12:32 PM
To: TRNtestimony
Cc: jbrann@hawaiiintel.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Brann	Individual	Oppose	No

Comments: I oppose HB 942, giving HPDA the authority to target Makena Beach State Recreational Area (Maui), and other identified areas, for development. Makena Beach State Park must remain protected from development, not only for environmental preservation and ocean reef health. This area, along with the others targeted in this bill, are precious pristine places valued by residents and visitors, and must remain protected from development. Spoiling our protected natural habitats is not in the best interest of our state. Developing these places does not reflect best resource management practice, and should not be considered as a means to increase revenue.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 1:13 PM
To: TRNtestimony
Cc: jimmyconniff@usa.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
james conniff	Individual	Oppose	No

Comments: I request that this bill does not go forward. to me, it seems another method or political trick to circumvent oppsition to PLDC. I live and vote in kihei, hi. I feel this is a threat to the future of Makena Beach State Recreational Area on Maui.....mahalo, Jimmy

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Honorable Representative Ryan I. Yamane, Chair
Honorable Representative Linda Ichiyama, Vice Chair
Honorable Members of the Committee on Transportation

RE: HB 942 relating to Harbor and Parks Development by creating an Authority
STRONGLY IN OPPOSITION

Good Morning Chair Yamane, Vice Chair Ichiyama
and Committee on Transportation Members:

I have discovered that the present Public Lands Development Corporation (PDLC) has morphed into HB 942 by changing it to create an Authority which will Develop Harbors and Parks (both public facilities) for the good of the General Public.

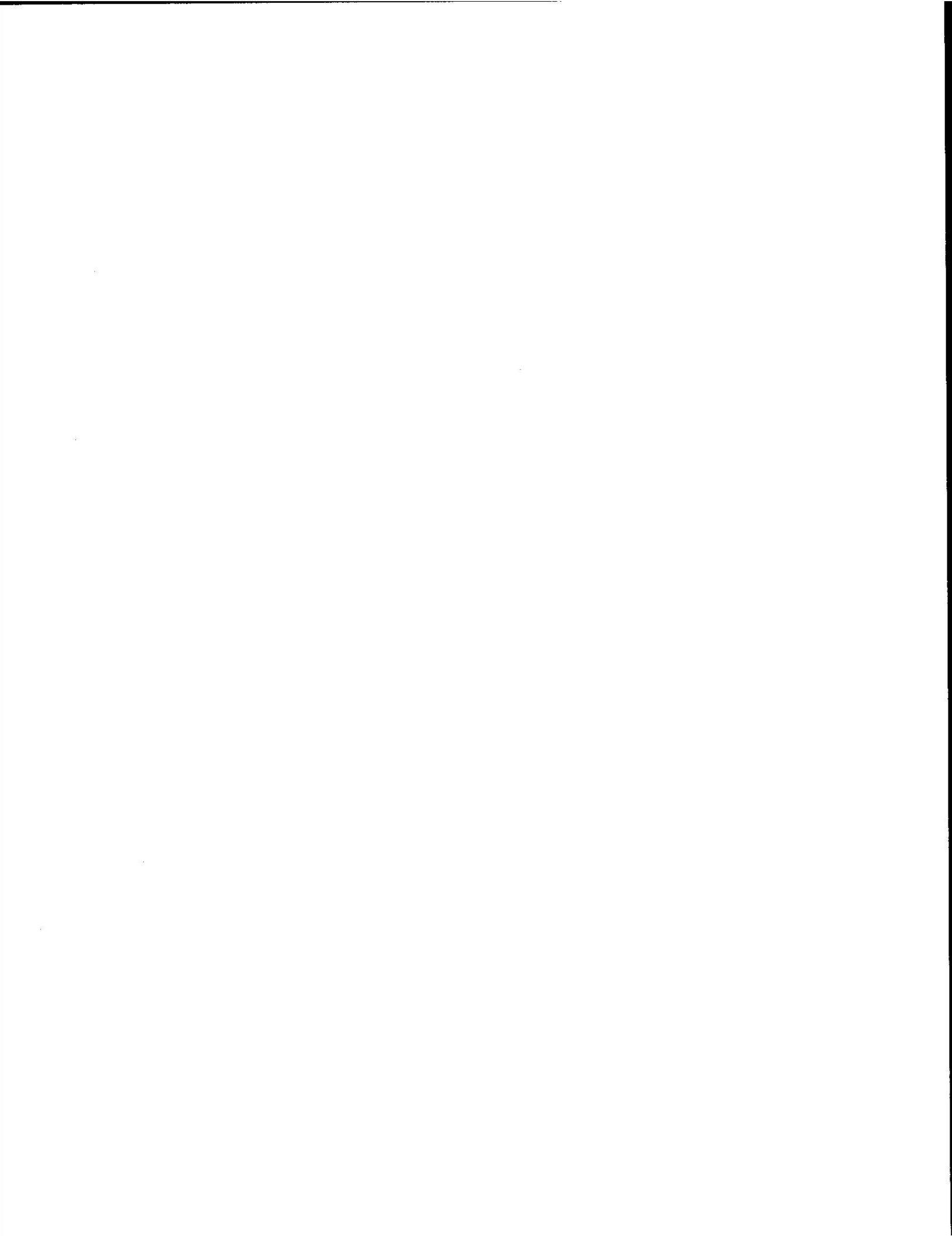
I feel that the State should maintain the current public lands and up-grade the infrastructure rather than to Develop for a Developer's Dream. There are other places in the world that maintain the Parks and Harbors rather than allowing the facilities to run down and crumb due to neglect, for example the Ala Wai and Keahi Small Boat Harbors. The State is starting to fix parts of these Harbors slowly, but the damage and the cost to fix these 2 Boat Harbors has increased tremendously. This is the same principal for the Public Schools, which have major construction damages.

These are reasons why I **STRONGLY OPPOSE HB 942** relating to creating an Authority to Develop the Public Facilities of Harbors and Parks.

Thank you for the opportunity to speak.

Daisy Murai
3039 Kaunaoa Street
Honolulu, HI 96815
Dated: January 29, 2013

Date of Hearing: January 30, 2013
Time: 10:00 am
Place: Room 309
Fax: 586-6221



ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 1:56 PM
To: TRNtestimony
Cc: jamsha10@evergreen.edu
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Shawn James Leavey	Individual	Oppose	No

Comments: Aloha Chair Yamane, Vice Chair Ichiyama and Members of the Committee, I caution you to limit this bill to a pilot project, as the Governor's Public School Lands Development bill, SB237, proposes, with a repeal date inserted. Please futher register my OPPOSITION to this measure which would amend HRS 171C by changing the Public Land Development Corporation into a Harbors and Parks Development Authority. On principle, vesting ANY Governor's appointees with the power to parcel out development rights to public trust lands will draw the ire of the public. Public parks and harbors are not the place for more parking lots, more office buildings, more hotels and more gas stations. Futhermore, this bill does not limit the HPDA to those dubious types of development, but anything promised to offer the "best revenue-generating programs." The intent of the PLDC is still in this bill, and the public good it intends is still questionable. sincerely yours, Shawn A. James Leavey Honolulu, O'ahu

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Sent: Tuesday, January 29, 2013 2:30 PM
To: TRNtestimony
Cc: mistermidnight@hawaiiintel.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Hooper	Individual	Oppose	No

Comments: Please oppose commercializing public parks. It's the PONO (right) thing to do.

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Sent: Tuesday, January 29, 2013 2:38 PM
To: TRNtestimony
Cc: bkatz@hawaii.rr.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
B. katz	Individual	Oppose	No

Comments: We oppose bill HB942. This bill only supports business money(special interest)and having the state protect their money...

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I oppose this bill. It is a travesty for Maui. This bill will destroy our Community plans and our parks. The People of Maui have the right to decide how Maui should be run. Oahu has no right to make decisions on our island.

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 2:45 PM
To: TRNtestimony
Cc: scottspalapa@yahoo.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Ernest Jepson	Individual	Oppose	No

Comments: Please, lets not commercialize our parks and harbors

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Sent: Tuesday, January 29, 2013 2:48 PM
To: TRNtestimony
Cc: jjw121@aol.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
John J. Wilson	Individual	Oppose	No

Comments: I believe the original intent of providing revenue by utilizing citizen lands is inappropriate. An increase in state income tax would be more appropriate in my opinion to fund state operations.

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Sent: Tuesday, January 29, 2013 3:03 PM
To: TRNtestimony
Cc: cal@ofcstudio.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Cal Lewin	Individual	Oppose	No

Comments: I oppose HB942. Please listen to the Maui Sierra Club and do not pass this measure. Thank you.

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To: TRNtestimony
Cc: jgelert@yahoo.com
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HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
John Gelert	Individual	Oppose	No

Comments: I live in Kihei on Maui and like Makena State Park just the way it is. Please do not develop it!

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Sent: Tuesday, January 29, 2013 3:38 PM
To: TRNtestimony
Cc: tamhas@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Tamhas Griffith	Individual	Oppose	No

Comments: I am a frequent visitor to Maui, especially the beaches in Makena. There is already enough of everything in that area. Posh hotels, parking lots, private homes, shopping centers, restaurants, small businesses, and far too many roadways. I would like to suggest to the already rich developers and those who support them that we are entering a new consciousness about the environment, endangered species, and the inter-reliance of ecosystems. As an environmental scientist, I know that more development will be a death knell for Makena. Hawaii should not suffer any further from colonialist capitalism. Slow down before you destroy Makena. There are also many holy spots in Makena and to develop there would be another affront on traditional societies.

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Sent: Tuesday, January 29, 2013 3:39 PM
To: TRNtestimony
Cc: nix@lifeislight.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. John Nix	Individual	Oppose	No

Comments: Do Not Pass.

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ichiyama1 - Tate

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Cc: info@lifeislight.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Nix	Individual	Oppose	No

Comments: Do Not Pass.

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Cc: imua-hawaii@hawaii.rr.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Isaac Harp	Individual	Oppose	No

Comments: Delete the PLDC and start a new effort. This bill is tainted from it's association with the PLDC and the people don't want it. Speaking of people, it's about time the legislature starts listening to what the people want rather than shoving your preferred actions on us. Mahalo...

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To: TRNtestimony
Cc: nohea3@gmail.com
Subject: *Submitted testimony for HB942 on Jan 30, 2013 10:00AM*

Follow Up Flag: Follow up
Flag Status: Flagged

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Trish S Knudsen	Individual	Oppose	No

Comments:

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To: TRNtestimony
Cc: zoogieone@aol.com
Subject: *Submitted testimony for HB942 on Jan 30, 2013 10:00AM*

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Brandon	Individual	Oppose	No

Comments:

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January 30, 2013

To: Rep. Ryan I. Yamane, Chair
Rep. Linda Ichiyama, Vice Chair and
Members of the Committee on Transportation

From: Jeanne Ohta, Board Member

RE: HB 942 Relating to Harbors and Parks Development
Hearing: Wednesday, January 30, 2013, 10:00am, Room 309

Position: Opposed

The Board of Directors of the 'Āina Haina Community Association writes in opposition to this measure, which substitutes the Harbors and Parks Development Authority for the Public Lands Development Corporation (PLDC).

We oppose the PLDC and suggest that the PLDC be repealed before we consider legislation such as this one which substitutes another agency, but allow our public lands to be used for other than their intended use by the public.

As with the PLDC, this measure creates “a development arm of the department of land and natural resources.” To avoid confusion, instead of amending the PLDC measure, we prefer its repeal.

We are also concerned that there will be fewer parks and that more of them will be developed, that “permissible uses of harbors and park land pursuant to this chapter shall include but not be limited to office space; vehicular parking; commercial uses; accommodations;” and that such use may be detrimental to the character of surrounding communities.

The public must be able to have input into these decisions, the process must be transparent and “park lands optimization” does not necessarily mean “the highest revenue-generating centers.” In fact, recreation and enjoyment of green space by residents of Hawai‘i is not something that can be measured monetarily.

We urge the committee to hold this measure. Thank you for the opportunity to provide testimony today.



'Āina Haina Library
5246 Kalanianaʻole Highway
Honolulu, HI 96821

Wayson Chow
President

Anson Rego
Vice-President

Art Mori
Treasurer

Jeanne Ohta
Membership Secretary

Directors At Large:
Devon James
Gregg Kashiwa
Melia Lane-Kanahele
Chien-Wen Tseng

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Cc: andyjany@aol.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Duane Anderson	Individual	Oppose	No

Comments: Oppose

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HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Tia Connors	Individual	Oppose	No

Comments:

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Cc: silverpenny10@hotmail.com
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HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
penny silva	Individual	Oppose	No

Comments:

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Cc: tjsimms2000@hotmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
tj simms	Individual	Comments Only	No

Comments: Repeal PDLC

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Cc: ggexcavations@hotmail.com
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HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Kirbin	Individual	Oppose	No

Comments:

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To: TRNtestimony
Cc: pualehuafarm@hotmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
pua kamoā	Individual	Oppose	No

Comments: No PLDC!

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HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
teri gwarek	Individual	Oppose	No

Comments:

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To: TRNtestimony
Cc: sundownertoni@yahoo.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Withington	Individual	Oppose	No

Comments: I strongly oppose the formation of HPDA. I strongly oppose the PLDC. You should repeal Act 55 RIGHT NOW -- not try to change it. It is a bad idea, poorly executed.

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UNITE HERE!

LOCAL 5 HAWAII

Eric Gill, Financial Secretary-Treasurer

Hernando Ramos Tan, President

Godfrey Maeshiro, Senior Vice-President

Wednesday, January 29, 2013

The Honorable Rep. Ryan Yamane - Chair and Committee Members
Hawaii State Legislature
House Committee on Transportation
State Capitol
415 S. Beretania Street

RE: HB 942, relating to Harbors and Parks Development

Chair Ryan Yamane, Vice-Chair Ichiyama, and members of the House Committee on Transportation:

UNITE HERE Local 5, a local labor organization representing nearly 10,000 hotel, health care and food service workers employed throughout the State, hereby registers our opposition to House Bill 942, relating to Harbors and Parks.

Although we recognize the intent of the legislation before us, we are concerned that HB 942 doesn't go far enough in terms of addressing concerns regarding potential development on our public lands. It is our position that Act 55, which established the Public Land Development Corporation (PLDC) as well as similar laws such as Act 97 are not in the public's interest, and should be repealed in its entirety.

While HB 942 attempts to limit the scope of the original legislation, we are specifically concerned that the bill preserves the basic intent of what is most concerning with the creation of the PLDC itself. HB 942 would allow our public harbors and parks to continue to be subject to the same expedited process of development, and in essence allows the most harmful parts of Act 55 to live on, but under a new name.

As we have testified before the PLDC Board, here on Oahu and on our neighbor islands, we see the PLDC as just one example of how broken our political system really is. The changing of a name or the redefining of this new entity's jurisdiction does not address the flawed intent or process related to the PLDC.

As a union, we believe in democracy in practice. We also believe, like so many of you, that government should work on behalf of and in the interest of the people. Our public lands - whether our shorelines, parks, harbors or undeveloped open space - remain among our most valuable community resources. The government should seek ways to protect and preserve our communities' long-term economic future.

While we recognize the collective need for us to find innovative and necessary means for securing our State's economic future, it is our position that we should dutifully examine the long term impact of opening up unchecked development on any land held in the public's trust.

Our people are being pushed off our islands while so many of us can't afford homes. More and more of our local jobs go to mainland companies while locals struggle to earn a living wage. Alongside other community leaders we have launched a new movement called AiKea. It is aimed at encouraging participation in our political system and encapsulates a growing need of putting power back into the hands of the people to reclaim Hawaii for our future. Over the last several months, we have spoken with thousands of people. People are overwhelmingly opposed to attempts at "fast tracking development" projects and reducing public input. More to the point, people have become increasingly frustrated with an overall sense of powerlessness that persists in part because of laws like Act 55 and a perceived lack of representation by our elected leaders.

We thank you for making an effort towards repealing Act 55, but we should not be fooled into thinking that HB 942 – at this point – is the vehicle for addressing the basic concerns over the PLDC.

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Sent: Tuesday, January 29, 2013 6:17 PM
To: TRNtestimony
Cc: kohala1@yahoo.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Joe Carvalho	Individual	Oppose	No

Comments: NO to HB942.

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To: TRNtestimony
Cc: jimlajolla@aol.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
James Sanford	Individual	Oppose	No

Comments: HB942 is another attempt by developers to circumvent public interests and long term interests of Hawaii for short term gain and profit. This bill would override protections of public lands and plans already approved by the public to save public beaches, parks, harbors for use by citizens of Hawaii and visitors. This bill, if passed, will further destroy the visitor industry as tourists are already looking and traveling to the "next" and "new" Hawaii, because of over development, poor planning, deteriorating water quality and more crowded development in Hawaii. It is time to stop overdevelopment and improve the environment for visitors rather than destroy it further and forever. Please vote NO on HB942

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To: TRNtestimony
Cc: juggler@aloha.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Graham Ellis	Individual	Oppose	No

Comments: We don't need another PLDC

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 7:08 PM
To: TRNtestimony
Cc: clareloprinzi@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
clare loprinzi	Individual	Oppose	No

Comments: It is time for all of you to do the right thing, to be honest to realize the state of the world and Hawai'i and care. Too much already. what more do we all need to say, are you in bed with the big money or pili i ka 'aina. aloha

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Cc: kahnlanger@gmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Kahn-Langer	Individual	Oppose	No

Comments: Honorable Legislators: My husband James W. Brown and I, Barbara Kahn-Langer, were opposed to the PLDC. HB942 is the PLDC in new clothes. We remain opposed to HB942.

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Testimony to the Committee on Transportation

DATE: Wednesday, January 30, 2013

TIME: 10:00am

PLACE: Conference Room 309

Speaking in Opposition

RE: HB 942

Chair Representative Yamane, Vice Chair Representative Ichiyama and Members of the Committee on Transportation:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC) Hawaii's State-wide organization. We represent the 300 Small Commercial Passenger Vessels operating out of State Harbor facilities. We speak in **Opposition to HB 942**

This bill looks a lot like the very unpopular PLDC bill that was passed last year except this focuses on DOBOR Harbors and DLNR Parks. The Board of Land and Natural Resources has all the authority needed to manage these facilities. This added level of bureaucracy with very little if any oversight by the BLNR is troubling at best. There are many aspects to this proposed legislation that appear to have been given very little thought. The unintended consequences of this bill could be far reaching.

We humbly ask you to please not pass HB 942.

Thank you for the opportunity to submit testimony. If you have any questions, please contact me at 808-870-9115.

Sincerely,

James E. Coon, President

Ocean Tourism Coalition

808-870-9115

captcoon@gmail.com

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 7:35 PM
To: TRNtestimony
Cc: daoust@hawaii.rr.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Pam Daoust	Ma'alaea Community Association	Oppose	No

Comments: The Ma'alaea Community Association opposes this bill, which does not allow for adequate local community oversight and places our public lands and harbors at risk of being exploited for financial gain without regard for community wishes. This bill completely overlooks the need to preserve sensitive lands and marine environments and places vitally important decisions regarding Neighbor Island resources in the hands of a small Oahu-based board. Please do not allow this exploitive piece of legislation to go forward. Thank you.

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To: TRNtestimony
Cc: palmtree7@earthlink.net
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Oppose	No

Comments: the PLDC needs to die, no matter what it's name is. PLEASE END WHAT THE PUBLIC OPPOSES SO VEHEMENTLY: THE TAKEOVER OF PUBLIC LAND BY PRIVATE CORPORATIONS! mahalo.

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HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Ambrose	Individual	Oppose	No

Comments:

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Cc: andi_longpre@hotmail.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
andrea longpre	Individual	Oppose	No

Comments: I oppose this bill because there were no public hearings for the communities effected. This tactic and renaming the entity is an insult to the democratic process that the governor allegedly adheres to. Many people in my community would not have noted for Malama Solomon if they knew she helped to sell us out.

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To: TRNtestimony
Cc: saralegal@live.com
Subject: Submitted testimony for HB942 on Jan 30, 2013 10:00AM

HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Steiner	Individual	Oppose	No

Comments: I am a 30 year resident of Hawaii, and I would like to say ABOLISH THE PLDC. Do not try and hide it by changing it's name. There is nothing good about selling out our lands to corporate interests. There is a better way to do this, and it includes transparency and public input on all islands, with a chance for impacted persons to have a vote in the matter. The State is having issues with money at this time, and selling our harbors to the highest bidder is not the way to handle this.

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To: TRNtestimony
Cc: zoewhitney@mac.com
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HB942

Submitted on: 1/29/2013

Testimony for TRN on Jan 30, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Zoe Whitney	Individual	Oppose	No

Comments:

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Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON TRANSPORTATION

January 30, 2013, 10:00 A.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 942

Aloha Chair Yamane and Members of the Committee:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, respectfully *opposes* HB 942. This measure renames the Public Lands Development Corporation ("PLDC") the Harbors and Parks Development Authority.

The public outcry and criticism of the PLDC has been staggering. People -- your constituents -- intuitively understand the problems with using our natural resources as an item to be traded or bartered away. They also appreciate the importance of having a well-regulated system, so as to ensure transparency, public input, and above-board dealings.

Until the PLDC is repealed and the slate cleaned, we should not tinker with mere amendments.

This measure also fails to consider safeguards like:

- (1) Protecting our resident's rights to access/use our parks and harbors. No child in Hawaii should be unable to visit a park because of park fees;
- (2) Ensuring protection of cultural/environmental resources; and
- (3) Striking a balance between commercial operations and recreational uses of state parks/harbors

Further, it's unclear whether this amendment would achieve the intended goals. The Department of Land and Natural Resources is critically underfunded. **The entire Parks division currently has only one (1) property manager.** Hiring an executive director, staffing an independent commission, etc., as called for in this measure, doesn't provide the resources where they are really needed: folks that can actually oversee Hawaii's public land in a responsible fashion.

Mahalo for the opportunity to testify.