

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

COMMENTS ON SENATE BILL 707 SD1  
A BILL RELATING TO ECONOMIC DEVELOPMENT

PRESENTATION TO  
THE SENATE COMMITTEE ON WAYS AND MEANS

BY

MAJOR GENERAL DARRYLL D. M. WONG  
ADJUTANT GENERAL  
February 14, 2013

Chair Ige, Vice Chair Kidani, and Members of the Committee:

I am Major General Darryll D. M. Wong, State Adjutant General. I am testifying in **OPPOSITION** of Senate Bill 707.

SB 707 SD 1 is well intentioned; however, we have serious reservations about the effect the bill will have on our economic development within the State of Hawaii. In its current draft, we are concerned that repeal of certain exemptions will, in fact, harm our economic development. We believe it is the duty of the Legislature to spur economic development, especially in light of our challenges in the Federal fiscal arena.

Thank you for the opportunity to provide comments.

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 Senate Committee on  
WAYS AND MEANS

Friday, February 15, 2013  
9:00 AM  
State Capitol, Conference Room 211

In consideration of  
SENATE BILL 707, SENATE DRAFT 1  
RELATING TO ECONOMIC DEVELOPMENT

Senate Bill 707, Senate Draft 1, proposes to repeal the Public Land Development Corporation (the "PLDC") and Act 55, Session Laws of Hawaii 2011, codified as Chapter 171C, Hawaii Revised Statutes ("HRS"). **The Department of Land and Natural Resources ("Department") offers an amendment to this measure for the purpose of ensuring that all current officers and employees of the PLDC are transferred to the Department.**

The Department understands that in the course of the decision-making deliberations on February 11, 2013, the Senate Committees on Economic Development, Government Operations and Housing and Water and Land originally intended to transfer all officers and employees of the PLDC to the Department. Upon review of Senate Bill 707, Senate Draft 1, however, the Department notes that the current language of the measure was based on the language of an early version of the PLDC statute that only contemplated two specific staff positions and does not adequately include or describe all current PLDC staff. Consequently, the Department offers the following amendment to correct this oversight to SECTION 9(D) on page 17, line 20 through page 18, line 3 of the measure:

SECTION 9.

(d) [~~The planner and project-related development specialist~~] All officers and employees hired for purposes of Act 55, Session Laws of Hawaii 2011, shall be transferred to the department of land and natural resources without loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act.

Incorporating the proposed amendment will enable the Department to utilize fully the expertise and skills of these officers and employees to fulfill its mission.

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

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [tonimariadavis@gmail.com](mailto:tonimariadavis@gmail.com)  
**Subject:** Submitted testimony for SB707 on Feb 15, 2013 09:00AM  
**Date:** Tuesday, February 12, 2013 9:30:19 PM

---

SB707

Submitted on: 2/12/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Antoinette M Davis	Activities & Attractions Association of Hawaii	Support	No

Comments: The DLNR plain and simple is dysfunctional & financially anemic. Much of what is inferred by the creation of the PDLC: world class marinas, dry dock facilities, boat storage, comfort stations, basic park facilities (parking, restrooms, and showers) and infrastructure, are so needed and within the DLNR's ability today. Please do away with the PDLC. Not sure how this even came to fruition 2 years ago. May be 2 hours notice prior to the hearing could be how this flew under the radar. The proper thing to do is empower DLNR to do the more challenging job of working & partnering with the stakeholders, resource users and the public. Don't add additional levels of bureaucracy with very little if any oversight and which disregards county jurisdiction, local stakeholders, public and community plans. Get rid of the PDLC. Sincerest Mahalo for the opportunity to testify.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [henry.lifeoftheland@gmail.com](mailto:henry.lifeoftheland@gmail.com)  
**Subject:** Submitted testimony for SB707 on Feb 15, 2013 09:00AM  
**Date:** Thursday, February 14, 2013 7:36:07 AM

---

SB707

Submitted on: 2/14/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Support	Yes

Comments: Please Repeal PLDC. Mahalo

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [Robert Petricci](#)  
**To:** [WAM Testimony](#)  
**Subject:** SB707, SD1  
**Date:** Thursday, February 14, 2013 1:49:49 AM

---

Robert Petricci representing Puna Pono Alliance

RE: decision making on SB707, SD1.

Position: Complete repeal of act 55, it can not be fixed, amended are not enough, it must be repealed.

Aloha Chair Ige and WAM committee members.

Puna Pono Alliance in solidarity with Hawaii Alliance (HA) and groups from every island in Hawaii believes act 55 must be repealed.

We do not believe act 55 can be fixed. The people have spoken loudly and clearly on this issue. The only question remaining is will the government respect the will of the people?

Please repeal act 55, anything less will be seen as inadequate.

Thank you

Robert Petricci  
President Puna Pono Alliance

**LATE Testimony of Robert Loy  
Director of Environmental Programs  
The Outdoor Circle  
SB 707 SD1  
Committee on Ways and Means  
February 15, 2013 3:30 PM  
Room 211**

**RE: Support for SB 707 SD1 relating to economic development**

The Outdoor Circle supports this legislation which will help wipe from the statutes, references to the ill-fated Public Land Development Corporation.

Please pass this measure.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [annmarie@hawaii.rr.com](mailto:annmarie@hawaii.rr.com)  
**Subject:** \*Submitted testimony for SB707 on Feb 15, 2013 09:00AM\*  
**Date:** Thursday, February 14, 2013 12:55:22 AM

---

SB707

Submitted on: 2/14/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Maire Kirk	Individual	Support	No

Comments:

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [Barb.Cuttance](#)  
**To:** [WAM Testimony](#)  
**Subject:** Senate Bill 707, SD1, to repeal HRS 171-C and abolish the PLDC.  
**Date:** Thursday, February 14, 2013 12:12:12 AM

---

Thank you for the opportunity to comment on this Bill further.

Please pass this bill to abolish the PLDC.

It seems our legislators have heard the people of Hawaii's anguish over this Bill. Please show us that you are listening with your vote to pass this important Bill and help to restore the faith of so many people in Hawaii.

Barb.Cuttance

Barb.Cuttance  
Puna Pono Alliance  
Hawaii Alliance (HA)  
Working for all Hawaii  
[www.punapono.com](http://www.punapono.com)

PO Box 492668  
Keaau, HI 96749

1+ 808 339 4344  
Skype: Barb.Cuttance



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [palidogs@hawaiiantel.net](mailto:palidogs@hawaiiantel.net)  
**Subject:** Submitted testimony for SB707 on Feb 15, 2013 09:00AM  
**Date:** Thursday, February 14, 2013 8:13:25 AM

---

SB707

Submitted on: 2/14/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Caki Kennedy	Individual	Support	No

Comments: The PLDC must be repealed, I have submitted testimony in the past. This is an unchecked crony bill.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [rezentesc@aol.com](mailto:rezentesc@aol.com)  
**Subject:** Submitted testimony for SB707 on Feb 15, 2013 09:00AM  
**Date:** Tuesday, February 12, 2013 2:16:33 PM

---

SB707

Submitted on: 2/12/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia K.L. Rezendes	Individual	Support	No

Comments: Chair Ige, Thank you for hearing this measure which repeals the Public Land Development Corporation. Although the philosophical intent may have been genuine, the resultant Act 55 causes significant concerns regarding broad exemptions to many laws that have been enacted over many years and through much public debate. To have circumvented that process in the manner in which Act 55 was enacted has left a deep concern whether or not this corporation will respect the hard fought grounds gained over the years and not just act for the sake of increasing economic gains. It is appropriate, at this time, to repeal Act 55, allow civil and open discussions to ensue prior to attempting to push forth process which will allow for guidelines and criteria of what and how public lands should be developed not only for economic gain but also for protection of those lands, if necessary, for future generations. Thank you for hearing this bill and I would encourage this measure be supported and passed out. Mahalo, Cynthia K.L. Rezendes

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Aloha Chairman Ige and Honorable Committee Members.

No doubt the sponsors of Act 55 had good intentions. But the PLDC, like most attempts to privatize government, is a bad idea, and it sets a dangerous precedent. It's unaccountable. It grants power without responsibility. It's a spectacular conflict of interest. It is government setting the terrible example of breaking it's own laws.

Government is not, and should not be, a business. In the United States, we the people create, fund and staff our governments to think, speak and act for the whole community. We cannot allow any government to shirk or outsource that unique and solemn responsibility.

If current tax revenues are really inadequate to fund necessary services, then we need to have a serious and thorough public discussion of just what services we absolutely need, what it really costs to deliver them efficiently, and how we can best pay for them.

One of the reasons we can't raise taxes, for example, is because our electric bills are so ridiculously high. If our government could summon the will to get control of our spoiled monopoly utility, and substantially reduce those bills, then modest tax increases might be more acceptable.

You can't fix something that's fundamentally flawed. The PLDC is one of those miracle cures that turns out to be worse than the disease. I respectfully urge you to repeal this terrible law.

I also view the PLDC as part of a larger trend to waive the law, gut the rules, and ultimately to privatize government. Each individual step in this direction may seem small. But taken together they amount to a full scale assault on the very idea of accountable government.

*For the legislature to keep approving these waivers and exemptions is not only bad policy; it amounts to abdication on the installment plan. Why do we need a legislature, if we are going to let department and special agency heads make the rules, broker secret deals, dispense arbitrary justice, and auction off public assets to meet the needs of the moment?*

If privatization is allowed to continue, the definition of legal or lawful will soon shrink to “approved by my local capo, power broker or war lord.” Sooner or later we could find ourselves back in colonial servitude, governed by local or departmental “big men” who are themselves enslaved to private powers or outside interests.

We elect you to make law precisely because we want government that is accountable, predictable, and limited. We trust you to do this, and you should be very proud of what you do. Please don't let crisis mongers and honey-tongued empire builders seduce you into voting yourselves out of a job.

Mahalo for your attention.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [inunyabus@gmail.com](mailto:inunyabus@gmail.com)  
**Subject:** Submitted testimony for SB707 on Feb 15, 2013 09:00AM  
**Date:** Tuesday, February 12, 2013 9:20:45 PM  
**Attachments:** [SB707\\_SD1\\_EDITS.pdf](#)

---

SB707

Submitted on: 2/12/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

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

Comments: Please see edited (red strike through) of this bill draft. This legislature is steering off track again and confusing themselves as to what PUBLIC LANDS are. Let's be clear: The Ag Development Corporations are privileged to be LEASING public lands as well as the Tech Industries. They do not own in any capacity, corporate or otherwise and the lands they are doing business on are PUBLIC LANDS.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Comments for testimony: This bill's wording has become convoluted. Please see red strike throughs and stop changing the definition of Public Lands removing them and classifying them under privatized corporations such the Ag Business Development Corp, and the Tech Industry.

THE SENATE  
TWENTY-SEVENTH LEGISLATURE, 2013  
STATE OF HAWAII

S.B. NO. 707  
S.D. 1

---

---

# A BILL FOR AN ACT

RELATING TO ECONOMIC DEVELOPMENT.

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

1           SECTION 1. Act 55, Session Laws of Hawaii 2011 (Act 55),  
2 codified as chapter 171C, Hawaii Revised Statutes, created the  
3 public land development corporation. Section 171C-1, Hawaii  
4 Revised Statutes, states in pertinent part:

5           "The purpose of this chapter is to create a vehicle and  
6 process to make optimal use of public land for the  
7 economic, environmental, and social benefit of the people  
8 of Hawaii. This chapter establishes a public corporation  
9 to administer an appropriate and culturally-sensitive  
10 public land development program. The corporation shall  
11 coordinate and administer programs to make optimal use of  
12 public land, while ensuring that the public land is  
13 maintained for the people of Hawaii."

14           The legislature finds that Act 55 has engendered  
15 significant public concern and scrutiny due in part to the fact  
16 that projects undertaken pursuant to Act 55 are exempt from  
17 state and county laws regarding land use, zoning, and  
18 construction standards for subdivisions, development, and

2013-1407 SB707 SD1 SMA.doc



1 improvement of land. In addition, concerns have been raised  
2 regarding inadequate notice given to the public to testify on  
3 the exemption provisions. The exemptions, coupled with the  
4 manner in which Act 55 was passed, have led to distrust and  
5 uncertainty of the corporation's intentions and development  
6 plans. Despite efforts to allay concerns, many individuals and  
7 organizations, particularly environmental and Native Hawaiian  
8 organizations, have expressed support for legislation to repeal  
9 Act 55.

10 The legislature further finds that the implementation of  
11 Act 55 falls short of "ensuring that the public land is  
12 maintained for the people of Hawaii." The intent of the  
13 legislature is to ensure that the public lands of Hawaii are  
14 used and administered in an equitable and transparent manner  
15 that should not necessarily be relegated to administrative  
16 decision-making or rule making on an ad hoc basis. While the  
17 optimization of the use of public lands is a meritorious goal  
18 with the potential to significantly benefit the people of  
19 Hawaii, the means of achieving this goal requires a greater  
20 respect for existing laws and procedures ~~and greater assurance~~  
21 ~~that the corporation is the vehicle~~ that will produce economic,  
22 environmental, and social benefit for the people of Hawaii.



1           The legislature further finds that the county councils of  
2   Kauai and Maui have adopted resolutions urging the legislature  
3   to abolish the public land development corporation by repealing  
4   chapter 171C, Hawaii Revised Statutes. The Honolulu city  
5   council has considered a similar resolution, but has failed to  
6   adopt such resolution at this time.

7           The purpose of this Act is to repeal chapter 171C, Hawaii  
8   Revised Statutes, the public land development corporation.

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

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

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





- 1           (2) Lands set aside pursuant to law for the use of the
- 2                   United States;
- 3           (3) Lands being used for roads and streets;
- 4           (4) Lands to which the United States relinquished the
- 5                   absolute fee and ownership under section 91 of the
- 6                   Hawaiian Organic Act prior to the admission of Hawaii
- 7                   as a state of the United States unless subsequently
- 8                   placed under the control of the board of land and
- 9                   natural resources and given the status of public lands
- 10                  in accordance with the state constitution, the
- 11                  Hawaiian Homes Commission Act, 1920, as amended, or
- 12                  other laws;
- 13           (5) Lands to which the University of Hawaii holds title;
- 14           (6) ~~Lands to which the Hawaii housing finance and~~
- 15                   ~~development corporation in its corporate capacity~~
- 16                   ~~holds title;~~
- 17           (7) ~~Lands to which the Hawaii community development~~
- 18                   ~~authority in its corporate capacity holds title,~~
- 19           (8) Lands to which the department of agriculture holds
- 20                   title by way of foreclosure, voluntary surrender, or
- 21                   otherwise, to recover moneys loaned or to recover
- 22                   debts otherwise owed the department under chapter 167;



- 1           (9) ~~Lands that are set aside by the governor to the Aloha~~  
2           ~~Tower development corporation; lands leased to the~~  
3           ~~Aloha Tower development corporation by any department~~  
4           ~~or agency of the State; or lands to which the Aloha~~  
5           ~~Tower development corporation holds title in its~~  
6           ~~corporate capacity;~~
- 7           (10) ~~Lands that are set aside by the governor to the~~  
8           ~~agribusiness development corporation; lands leased to~~  
9           ~~the agribusiness development corporation by any~~  
10          ~~department or agency of the State; or lands to which~~  
11          ~~the agribusiness development corporation in its~~  
12          ~~corporate capacity holds title; and~~
- 13          (11) ~~Lands to which the high technology development~~  
14          ~~corporation in its corporate capacity holds title[;~~  
15          ~~and~~
- 16          (12) ~~Lands which are set aside by the governor to the~~  
17          ~~public land development corporation; lands leased to~~  
18          ~~the public land development corporation by any~~  
19          ~~department or agency of the State; or lands to which~~  
20          ~~the public land development corporation holds title in~~  
21          ~~its corporate capacity]."~~



1 SECTION 3. Section 171-64.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) This section applies to all lands or interest therein  
4 owned or under the control of state departments and agencies  
5 classed as government or crown lands previous to August 15,  
6 1895, or acquired or reserved by the government upon or  
7 subsequent to that date by purchase, exchange, escheat, or the  
8 exercise of the right of eminent domain, or any other manner,  
9 including accreted lands not otherwise awarded, submerged lands,  
10 and lands beneath tidal waters which are suitable for  
11 reclamation, together with reclaimed lands which have been given  
12 the status of public lands under this chapter, including:

- 13 (1) Land set aside pursuant to law for the use of the  
14 United States;
- 15 (2) Land to which the United States relinquished the  
16 absolute fee and ownership under section 91 of the  
17 Organic Act prior to the admission of Hawaii as a  
18 state of the United States;
- 19 (3) Land to which the University of Hawaii holds title;
- 20 (4) Land to which the Hawaii housing finance and  
21 development corporation in its corporate capacity  
22 holds title;



- 1 (5) Land to which the department of agriculture holds
- 2 title by way of foreclosure, voluntary surrender, or
- 3 otherwise, to recover moneys loaned or to recover
- 4 debts otherwise owed the department under chapter 167;
- 5 (6) Land that is set aside by the governor to the Aloha
- 6 Tower development corporation; or land to which the
- 7 Aloha Tower development corporation holds title in its
- 8 corporate capacity;
- 9 (7) Land that is set aside by the governor to the
- 10 agribusiness development corporation; or land to which
- 11 the agribusiness development corporation in its
- 12 corporate capacity holds title; and
- 13 (8) Land to which the high technology development
- 14 corporation in its corporate capacity holds title[~~+~~
- 15 ~~and~~
- 16 ~~(9) Land that is set aside by the governor to the public~~
- 17 ~~land development corporation or land to which the~~
- 18 ~~public land development corporation holds title in its~~
- 19 ~~corporate capacity]. "~~

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



1           "(c) The board shall, in consultation with the senate  
2 president and the speaker of the house of representatives,  
3 require as a condition of the receipt of funds that state and  
4 county agencies receiving funds under this chapter provide a  
5 conservation easement under chapter 198, or an agricultural  
6 easement or deed restriction or covenant to the department of  
7 land and natural resources; the department of agriculture; the  
8 agribusiness development corporation; [~~the public land  
9 development corporation,~~] an appropriate land conservation  
10 organization; or a county, state, or federal natural resource  
11 conservation agency, that shall run with the land and be  
12 recorded with the land to ensure the long-term protection of  
13 land having value as a resource to the State and preserve the  
14 interests of the State. The board shall require as a condition  
15 of the receipt of funds that it be an owner of any such  
16 conservation easement.

17           (d) The board shall, in consultation with the senate  
18 president and the speaker of the house of representatives,  
19 require as a condition of the receipt of funds that nonprofit  
20 land conservation organizations receiving funds under this  
21 chapter provide a conservation easement under chapter 198, or an  
22 agricultural easement or deed restriction or covenant to the



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

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

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



1 nonprofit land conservation organizations shall submit  
2 applications to the department that contain:

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

20 SECTION 6. Section 206E-4, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§206E-4 Powers; generally.** Except as otherwise limited  
2 by this chapter, the authority may:

3           (1) Sue and be sued;

4           (2) Have a seal and alter the same at pleasure;

5           (3) Make and execute contracts and all other instruments  
6 necessary or convenient for the exercise of its powers  
7 and functions under this chapter;

8           (4) Make and alter bylaws for its organization and  
9 internal management;

10          (5) Make rules with respect to its projects, operations,  
11 properties, and facilities, which rules shall be in  
12 conformance with chapter 91;

13          (6) Through its executive director appoint officers,  
14 agents, and employees, prescribe their duties and  
15 qualifications, and fix their salaries, ~~without regard~~  
16 ~~to chapter 76;~~

17          (7) ~~Prepare or cause to be prepared a community~~  
18 ~~development plan for all designated community~~  
19 ~~development districts;~~

20          (8) ~~Acquire, reacquire, or contract to acquire or~~  
21 ~~reacquire by grant or purchase real, personal, or~~  
22 ~~mixed property or any interest therein; to own, hold,~~





1 ~~clear, improve, and rehabilitate, and to sell, assign,~~  
2 ~~exchange, transfer, convey, lease, or otherwise~~  
3 ~~dispose of or encumber the same;~~

4 (9) ~~Acquire or reacquire by condemnation real, personal,~~  
5 ~~or mixed property or any interest therein for public~~  
6 ~~facilities, including but not limited to streets,~~  
7 ~~sidewalks, parks, schools, and other public~~  
8 ~~improvements,~~

9 (10) ~~By itself, or in partnership with qualified persons,~~  
10 ~~acquire, reacquire, construct, reconstruct,~~  
11 ~~rehabilitate, improve, alter, or repair or provide for~~  
12 ~~the construction, reconstruction, improvement,~~  
13 ~~alteration, or repair of any project; own, hold, sell,~~  
14 ~~assign, transfer, convey, exchange, lease, or~~  
15 ~~otherwise dispose of or encumber any project, and in~~  
16 ~~the case of the sale of any project, accept a purchase~~  
17 ~~money mortgage in connection therewith; and repurchase~~  
18 ~~or otherwise acquire any project which the authority~~  
19 ~~has theretofore sold or otherwise conveyed,~~  
20 ~~transferred, or disposed of,~~

21 (11) Arrange or contract for the planning, replanning,  
22 opening, grading, or closing of streets, roads,



1           roadways, alleys, or other places, or for the  
2           furnishing of facilities or for the acquisition of  
3           property or property rights or for the furnishing of  
4           property or services in connection with a project;

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

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

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



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



1 reserved housing units that were to be developed on  
2 site. The authority shall establish the following  
3 priority in the development of reserved housing:

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

10 ~~The Hawaii community development authority shall~~  
11 ~~adopt rules relating to the approval of reserved~~  
12 ~~housing that are developed outside of a community~~  
13 ~~development district. The rules shall include, but~~  
14 ~~are not limited to, the establishment of guidelines to~~  
15 ~~ensure compliance with the above priorities[; and~~

16 ~~(19) Assist the public land development corporation~~  
17 ~~established by section 171C-3 in identifying public~~  
18 ~~lands that may be suitable for development, carrying~~  
19 ~~on marketing analysis to determine the best revenue-~~  
20 ~~generating programs for the public lands identified,~~  
21 ~~entering into public-private agreements to~~  
22 ~~appropriately develop the public lands identified, and~~

1 ~~providing the leadership for the development,~~  
2 ~~financing, improvement, or enhancement of the selected~~  
3 ~~development opportunities; provided that no assistance~~  
4 ~~shall be provided unless the authority authorizes the~~  
5 ~~assistance]."~~

6 SECTION 7. Chapter 171C, Hawaii Revised Statutes, is  
7 repealed.

8 SECTION 8. Act 117, Session Laws of Hawaii 2012, is  
9 amended by amending section 2 to read as follows:

10 "SECTION 2. The department of public safety, in  
11 cooperation with Ohana Ho'opakele and other restorative justice  
12 groups, is directed to prepare a plan for the creation of a  
13 pu'uhonua, or wellness center, on lands owned or controlled by  
14 the State. [~~The public land development corporation shall~~  
15 ~~assist in determining an appropriate site for the center;~~  
16 ~~provided that the site formerly used as the Kulani correctional~~  
17 ~~facility on the island of Hawaii shall be given preference,~~  
18 ~~unless another site will provide a greater possibility of~~  
19 ~~success.]"~~

20 ~~The department of public safety shall submit a report to~~  
21 ~~the legislature on its plan, findings, and recommendations,~~  
22 ~~including the factors used in determining site selection, and~~



1 ~~any budget requests necessary to achieve the purposes of this~~  
2 ~~Act, no later than twenty days prior to the convening of the~~  
3 ~~regular session of 2013."~~

4 SECTION 9. (a) Any funds appropriated to the department  
5 of land and natural resources pursuant to Act 55, Session Laws  
6 of Hawaii 2011, that are unexpended and unencumbered as of the  
7 effective date of this Act shall be deposited into the land  
8 conservation fund established pursuant to section 173A-5, Hawaii  
9 Revised Statutes, on the effective date of this Act.

10 (b) Any proceeds generated and deposited into the stadium  
11 facilities special fund pursuant to Act 282, Session Laws of  
12 Hawaii 2012, that are unexpended and unencumbered as of the  
13 effective date of this Act shall be deposited into the general  
14 fund on the effective date of this Act.

15 (c) Any proceeds generated and deposited into the school  
16 facilities special fund pursuant to Act 309, Session Laws of  
17 Hawaii 2012, that are unexpended and unencumbered as of the  
18 effective date of this Act shall be deposited into the general  
19 fund on the effective date of this Act.

20 ~~(d) The planner and project related development specialist~~  
21 ~~hired for purposes of Act 55, Session Laws of Hawaii 2011, shall~~  
22 ~~be transferred to the department of land and natural resources~~



1 ~~without loss of salary, seniority, prior service credit,~~  
2 ~~vacation, sick leave, or other employee benefit or privilege as~~  
3 ~~a consequence of this Act.~~

4 SECTION 10. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect upon its approval.

7



**Report Title:**

Public Land Development Corporation

**Description:**

Repeals chapter 171C, HRS, relating to the public land development corporation and references to the public land development corporation. Makes conforming amendments to remove references to the public land development corporation. (SD1)

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





**From:** [John Bond](#)  
**To:** [WAM Testimony](#)  
**Subject:** Repeal HRS 171-C and abolish the PLDC  
**Date:** Wednesday, February 13, 2013 11:21:19 PM

---

Repeal HRS 171-C and abolish the PLDC

I support abolishment of the PLDC and any similar bill that attempt to set up such an agency, department or commission.

I support SB 707 to Repeal the PLDC.

John M. Bond  
P.O. Box 75578  
Kapolei, Hi. 96707  
ewabond@gmail.com

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [hilobliss@yahoo.com](mailto:hilobliss@yahoo.com)  
**Subject:** \*Submitted testimony for SB707 on Feb 15, 2013 09:00AM\*  
**Date:** Thursday, February 14, 2013 4:32:10 AM

---

SB707

Submitted on: 2/14/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
joy cash	Individual	Support	No

Comments:

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**SENATE COMMITTEE on WAYS & MEANS**

**Friday, February 15, 2013  
Decision-Making  
Conference Room 211  
9:00 AM**

**SENATE BILL 707, SD1  
RELATING TO ECONOMIC DEVELOPMENT  
Comments in STRONG SUPPORT by Michelle S.Matson**

Senate Bill 707, SD1 repeals HRS 171C relating to the PLDC and HCDA development assistance. Bill 707, SD1 restores the definition of public lands.

This is a worthy and long-overdue measure. The insanity of exploiting Hawai'i's public lands for political and private gain must stop.

**PLEASE REPEAL THE PLDC, ACT 55, 2011 AND ACT 282, 2012,  
AND ALL ENACTED LEGISLATION RELATING TO THE PLDC**

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [ttravis12@mac.com](mailto:ttravis12@mac.com)  
**Subject:** Submitted testimony for SB707 on Feb 15, 2013 09:00AM  
**Date:** Thursday, February 14, 2013 2:54:08 AM

---

SB707

Submitted on: 2/14/2013

Testimony for WAM on Feb 15, 2013 09:00AM in Conference Room 211

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

Comments: I support complete repeal of the PLDC. Please support this bill.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [Victoria Cannon](#)  
**To:** [WAM Testimony](#)  
**Subject:** SB 707, SD 1  
**Date:** Thursday, February 14, 2013 8:22:16 AM

---

Aloha, I support SB 707, SD 1. ( No gut and replace please.) Mahalo, Victoria Cannon 342-2018