
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 PART I

2 SECTION 1. The legislature finds that because of the
3 policies guiding the management of public lands with commercial,
4 industrial, resort, and hotel uses, there has been little
5 incentive for the lessees to make major improvements to their
6 infrastructure, resulting in the deterioration of infrastructure
7 and facilities. The lack of improvements in many of these areas
8 has resulted in dilapidation, deterioration, or obsolescence of
9 the buildings and structures.

10 The department of land and natural resources has the
11 responsibility of planning for the disposition of commercial,
12 industrial, and hotel and resort classes of public lands to
13 determine specific uses, the minimum sizes of parcels, required
14 building construction or improvements, and lease terms and
15 requirements.

16 The legislature finds that the rejuvenation of areas of
17 public lands that have become dilapidated, obsolete, or have



1 deteriorated over time is in the public interest and constitutes
2 a valid public purpose.

3 The purpose of this Act is to authorize the designation of
4 areas or regions of public lands classified as commercial and
5 industrial use; hotel, apartment, and motel use; or resort use
6 and the establishment and implementation of guidelines for the
7 redevelopment of the areas or regions that will:

- 8 (1) Modernize the policies for the management of public
9 lands in the designated area;
- 10 (2) Establish a plan for the designated area, including
11 district-wide improvements, that is coordinated with
12 state and county land use and planning policies; and
- 13 (3) Implement asset and property management concepts that
14 can optimize income from the properties and evolve in
15 response to changing principles of property
16 administration.

17 PART II

18 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
19 amended by adding a new part to be appropriately designated and
20 to read as follows:



1 "PART . PUBLIC LANDS REDEVELOPMENT

2 §171-A Definitions. As used in this part, unless the
3 context requires otherwise:

4 "Planning committee" or "committee" means the policy-making
5 committee established for a redevelopment district pursuant to
6 section 171-C.

7 "Premises" means the property that is being leased or
8 rented in a designated district.

9 "Public facilities" include streets and highways, storm
10 drainage systems, water systems, street lighting systems, off-
11 street parking facilities, and sanitary sewerage systems.

12 "Redevelopment district" or "designated district" means an
13 area of public lands designated for redevelopment pursuant to
14 section 171-B.

15 §171-B Designation of redevelopment district; boundaries;
16 transfer to the committee. (a) The legislature shall designate
17 redevelopment districts by law for any area of public lands
18 classified as commercial and industrial; hotel, apartment, and
19 motel; or resort use pursuant to section 171-10, if the
20 legislature determines that there is a need for planning,
21 development, or redevelopment because the buildings and



1 infrastructures in the area are dilapidated or have deteriorated
2 due to age or obsolescence.

3 (b) The designation shall specify the boundaries of the
4 redevelopment district.

5 (c) The law designating the redevelopment district shall
6 transfer the management of the public lands within the district
7 to the planning committee for the designated district; provided
8 that any lessee or permittee within the designated district
9 shall perform in full compliance with the existing lease or
10 permit.

11 (d) All rules, policies, procedures, guidelines, leases,
12 contracts, loans, agreements, permits, and other materials and
13 documents adopted or developed by the department of land and
14 natural resources to implement applicable state laws shall
15 remain in full force and effect until amended or repealed by the
16 committee.

17 **§171-C Planning committee; members; district**

18 **administrator; repeal.** (a) Upon the designation of a
19 redevelopment district pursuant to section 171-B, a planning
20 committee for the designated district shall be established
21 within the department for administrative purposes.



1 (b) The committee shall be an executive committee for the
2 designated district and shall consist of nine voting members.

3 The committee shall consist of:

4 (1) The chairperson of the board of land and natural
5 resources and the director of planning of the county
6 in which the designated district is located, or their
7 designated representatives, who shall be ex officio
8 members; and

9 (2) Seven members of the public appointed by the governor
10 pursuant to section 26-34; provided that of the
11 members appointed pursuant to this paragraph:

12 (A) Two members shall be selected from a list of
13 three names for each nomination submitted by the
14 president of the senate and two members shall be
15 selected from a list of three names for each
16 nomination submitted by the speaker of the house
17 of representatives in collaboration with the
18 legislators from the county in which the
19 designated district is located; provided further
20 that the governor shall select a name no later
21 than days after receipt of each list;



1 (B) Three members appointed by the governor pursuant
2 to section 26-34; provided that:

3 (i) One member shall represent the business
4 sector within the designated district;

5 (ii) One member shall have experience and
6 expertise in the area of Hawaiian cultural
7 practices; and

8 (iii) One member shall be a member of the public
9 and a resident of the county in which the
10 designated district is located;

11 provided further that the governor shall appoint
12 these members no later than days after
13 designation of the redevelopment district; and

14 (C) The seven members of the public shall have
15 expertise in development of commercial,
16 industrial, resort, and hotel lands as well as
17 expertise in at least one of the following areas
18 and shall be selected on the basis of their
19 knowledge, experience, and expertise in:

20 (i) Management of small or large businesses;

21 (ii) Economics, banking, investment, or finance;



- 1 (iii) Real estate development;
- 2 (iv) Real estate management;
- 3 (v) Marketing;
- 4 (vi) Hawaiian cultural practices; or
- 5 (vii) Hotel and resort management;
- 6 provided further that of the seven members of the
- 7 public, three members shall be residents of the county
- 8 in which the designated district is located and all
- 9 members shall be residents of the State.
- 10 (c) The committee shall elect its chairperson from among
- 11 its members of the public.
- 12 (d) The members of the committee shall serve without
- 13 compensation but shall be reimbursed for reasonable expenses,
- 14 including travel expenses, incurred in the performance of their
- 15 duties. This subsection shall not be construed to prohibit the
- 16 ex officio members of the committee from receiving their
- 17 salaries and wages for their work as public officials.
- 18 (e) The committee shall appoint a district administrator,
- 19 who shall be the chief executive officer for the designated
- 20 district. The district administrator shall have expertise in
- 21 development of commercial, industrial, resort, or hotel lands as



1 well as expertise in at least one of the following areas and
 2 shall be selected on the basis of the person's knowledge,
 3 experience, and expertise in management of small or large
 4 businesses; economics, banking, investment, or finance; real
 5 estate development; real estate management; law; marketing; or
 6 hotel and resort management. The committee shall set the
 7 district administrator's duties, responsibilities, holidays,
 8 vacations, leaves, hours of work, and working conditions. The
 9 committee shall set the salary of the district administrator,
 10 who shall serve at the pleasure of the committee and shall be
 11 exempt from chapter 76.

12 (f) The committee shall be dissolved upon the completion
 13 of the redevelopment project.

14 **§171-D Powers and duties; generally; exemption from**
 15 **administrative supervision of boards and commissions.** (a) The
 16 committee shall have the following powers and duties:

- 17 (1) Through its district administrator, appoint staff and
 18 employees, prescribe their duties and qualifications,
 19 and fix their salaries, without regard to chapter 76;
- 20 (2) Through its district administrator:



- 1 (A) Allocate space or spaces that are to be occupied
- 2 by the committee and appropriate staff; and
- 3 (B) Purchase necessary supplies, equipment, or
- 4 furniture;
- 5 (3) Prepare a redevelopment plan for the designated
- 6 district that will be submitted to the board for
- 7 review and approval;
- 8 (4) Notwithstanding any other law to the contrary, lease
- 9 public lands in a designated district and renew or
- 10 renegotiate any lease in connection with any project
- 11 contained in the redevelopment plan for the designated
- 12 district, on terms and conditions pursuant to section
- 13 171-F and consistent with the redevelopment plan;
- 14 (5) Prepare or cause to be prepared plans, design
- 15 criteria, landscaping, and estimates of costs for the
- 16 construction, rehabilitation, or repair of any project
- 17 contained in the redevelopment plan for the designated
- 18 district, and from time to time to modify the plans,
- 19 or estimates;
- 20 (6) Conduct studies in conjunction with county and state
- 21 agencies necessary to determine the appropriate



- 1 activities for redevelopment in the designated
2 district;
- 3 (7) Reduce or waive the lease rental on any lease of
4 public land for any project in the designated district
5 that requires substantial improvements; provided that
6 the reduction or waiver shall not exceed one year;
- 7 (8) Make and execute all contracts and instruments
8 necessary for the exercise of its powers and functions
9 relating to the designated district, including the
10 engaging of the services of consultants for rendering
11 of professional and technical assistance and advice;
- 12 (9) Enter into a development agreement with a developer or
13 developers for any project contained in the
14 redevelopment plan; provided that the development
15 agreement shall contain:
- 16 (A) A description of the location, area, and size of
17 the parcel to be developed;
- 18 (B) The use or uses to which the parcel shall be put
19 in conformance with the redevelopment plan and
20 with applicable state and county laws and
21 ordinances;



1 (C) The period of time for the construction and
2 completion of the redevelopment; and

3 (D) Other terms and conditions that the committee
4 deems necessary;

5 (10) Work closely and communicate with the county to
6 coordinate the execution of the designated district's
7 planning, incremental projects, work schedules, public
8 works, and budget; and

9 (11) Do any and all things necessary to carry out its
10 purposes and exercise the powers given and granted in
11 this part.

12 (b) Notwithstanding any law to the contrary, the committee
13 shall be exempt from section 26-35(a)(1), (4), (5), and (6).

14 **§171-E District redevelopment plan.** (a) The committee
15 shall prepare a redevelopment plan for the designated district,
16 including district development policies, the district
17 improvement program, necessary public facilities, and the
18 development guidelines and rules for the designated district.
19 In carrying out its planning activities, the committee shall
20 comply with chapter 205A and applicable county building and
21 zoning ordinances.



1 (b) The committee shall prepare a redevelopment plan for
2 the designated district that:

3 (1) Establishes, if applicable, areas principally for:

4 (A) Commercial activities;

5 (B) Processing, construction, manufacturing,
6 transportation, wholesaling, storage, and similar
7 industrial activities;

8 (C) Resort and hotel activities, including uses that
9 provide facilities and services for visitors; and

10 (D) Public facilities and recreational facilities,
11 with detailed standards for height, bulk, size,
12 and location of buildings;

13 (2) Includes a district-wide improvement program for
14 necessary district-wide public facilities within the
15 designated district;

16 (3) Includes plans, specifications, and estimates of the
17 costs for the development, construction,
18 reconstruction, or improvement of any project in the
19 designated district, and from time to time modify the
20 plans, specifications, or estimates;



- 1 (4) If possible, identifies specific uses for areas in the
2 designated district and the required parceling of land
3 into minimum size areas related to the specific uses;
- 4 (5) Determines the lease rental that should be established
5 for the specific uses and the terms and conditions of
6 the leases;
- 7 (6) Establishes interim development controls to be
8 implemented during the transition to the execution of
9 the provisions of the redevelopment plan, such as
10 recommending the holdover of a lessee pursuant to
11 section 171-40 or issuance of permits pursuant to
12 section 171-55 to existing lessees upon the expiration
13 of their lease terms; and
- 14 (7) Allows the use of land or any building existing on the
15 date the redevelopment plan is adopted to continue as
16 a nonconforming use; provided that the nonconforming
17 building shall not be replaced, expanded, or changed
18 to another nonconforming use.
- 19 (c) The district redevelopment plan may provide for the
20 withdrawal or taking for public purposes of public land or
21 portion of public land under a lease. The rental shall be



1 reduced in proportion to the value of the portion of the
2 premises condemned, and the lessee shall be entitled to receive
3 the proportionate value of the permanent improvements legally
4 made to or constructed upon the land by the lessee taken in the
5 proportion that it bears to the unexpired term of the lease.

6 (d) Prior to adoption, the committee shall hold a public
7 hearing on a proposed redevelopment plan for the designated
8 district and shall consider the comments received and
9 incorporate any revisions to the plan that may be necessary.

10 (e) The committee shall submit an annual report on the
11 progress of the redevelopment project to the board. The report
12 may include the redevelopment plan recommended by the committee
13 with its recommendations for appropriations by the legislature
14 or the authorization of bonds or both, to implement the
15 redevelopment plan in a timely manner. The board shall review
16 and approve the recommended redevelopment plan and shall submit
17 the report to the governor and the legislature with a request
18 for the required appropriations and bond authorization.

19 **§171-F Designated redevelopment district revolving fund.**

20 (a) A separate revolving fund shall be established for each



1 redevelopment district designated pursuant to section 171-B,
2 into which shall be deposited:

3 (1) Fifty per cent of the revenues, income, and receipts
4 of the department from the public lands in the
5 designated district, notwithstanding section 171-19;

6 (2) Moneys appropriated by the legislature to the
7 revolving fund; and

8 (3) Any gifts, grants, and other funds accepted by the
9 committee.

10 Each revolving fund shall bear the name used by the legislature
11 in designating the redevelopment district.

12 (b) Moneys in each designated redevelopment district
13 revolving fund shall be expended by the committee and used in
14 the designated district for the purposes of this part; provided
15 that no expenditure shall be made from the fund and no
16 obligation shall be incurred against the fund in excess of the
17 amount standing to the credit of the fund.

18 (c) After the committee is dissolved, the unencumbered
19 balance remaining in the corresponding redevelopment district
20 revolving fund shall be transferred to the special land and
21 development fund established pursuant to section 171-19."



1 PART III

2 SECTION 3. The legislature designates the public lands on
3 the Waiakea peninsula on the island of Hawaii as the Waiakea
4 peninsula redevelopment district.

5 SECTION 4. The Waiakea peninsula redevelopment district
6 shall include the area bounded by the shoreline from the
7 intersection of Lihiwai street and Kamehameha avenue; Kamehameha
8 avenue to its intersection with Kalaniana'ole avenue;
9 Kalaniana'ole avenue to its intersection with Banyan way; Banyan
10 way from its intersection with Kalaniana'ole avenue to its
11 intersection with Banyan drive; from the intersection of Banyan
12 way and Banyan drive to the shoreline; the shoreline around the
13 Waiakea peninsula, including Mokuola island, to the intersection
14 of Lihiwai street and Kamehameha avenue.

15 SECTION 5. There is established a Waiakea peninsula
16 redevelopment district planning committee. The committee shall
17 be appointed as provided in section 171-C, Hawaii Revised
18 Statutes, and shall exercise the powers and duties in the
19 designated district as authorized by chapter 171, part ,
20 Hawaii Revised Statutes. Pursuant to section 171-B(c), Hawaii
21 Revised Statutes, the public lands within the Waiakea peninsula



1 redevelopment district are transferred to the Waiakea peninsula
2 redevelopment district planning committee.

3 SECTION 6. There is established the Waiakea peninsula
4 redevelopment district revolving fund, into which shall be
5 deposited:

6 (1) Fifty per cent of the revenues, income, and receipts
7 from the public lands in the Waiakea peninsula
8 redevelopment district;

9 (2) Moneys appropriated by the legislature to the
10 revolving fund; and

11 (3) Any gifts, grants, and other funds accepted by the
12 Waiakea peninsula redevelopment district planning
13 committee.

14 The moneys in the revolving fund shall be used in the Waiakea
15 peninsula redevelopment district for the purposes described in
16 chapter 171, part A, Hawaii Revised Statutes.

17 SECTION 7. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2019-2020 to be
20 deposited into Waiakea peninsula redevelopment district
21 revolving fund.



1 SECTION 8. There is appropriated out of the Waiakea
 2 peninsula redevelopment district revolving fund the sum of
 3 \$ or so much thereof as may be necessary for fiscal
 4 year 2019-2020 and the same sum or so much thereof as may be
 5 necessary for fiscal year 2020-2021 for the purposes of this
 6 part.

7 The sums appropriated shall be expended by the department
 8 of land and natural resources for the purposes of this part.

9 PART IV

10 SECTION 9. Section 171-6, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 "**§171-6 Powers.** Except as otherwise provided by law, the
 13 board of land and natural resources shall have the powers and
 14 functions granted to the heads of departments and the board of
 15 land and natural resources under chapter 26.

16 In addition to the foregoing, the board may:

- 17 (1) Adopt a seal;
- 18 (2) Administer oaths;
- 19 (3) Prescribe forms of instruments and documents;
- 20 (4) Adopt rules which, upon compliance with chapter 91,
- 21 shall have the force and effect of law;



- 1 (5) Set, charge, demand, and collect reasonable fees for
2 the preparation of documents to be issued, for the
3 surveying of public lands, and for the issuing of
4 certified copies of its government records, which
5 fees, when collected, shall be deposited into the
6 state general fund, unless otherwise specified in this
7 chapter;
- 8 (6) Establish additional restrictions, requirements, or
9 conditions, not inconsistent with those prescribed in
10 this chapter, relating to the use of particular land
11 being disposed of, the terms of sale, lease, license,
12 or permit, and the qualifications of any person to
13 draw, bid, or negotiate for public land;
- 14 (7) Reduce or waive the lease rental at the beginning of
15 the lease on any lease of public land to be used for
16 any agricultural or pastoral use, or for resort,
17 commercial, industrial, or other business use where
18 the land being leased requires substantial
19 improvements to be placed thereon; provided that such
20 reduction or waiver shall not exceed two years for
21 land to be used for any agricultural or pastoral use,



- 1 or exceed one year for land to be used for resort,
2 commercial, industrial, or other business use;
3 provided further that if a lease for resort,
4 commercial, industrial, other business, or residential
5 purposes requires a lessee to demolish existing
6 improvements or provide basic infrastructure including
7 drainage, sewer, water, electricity, and other
8 utilities before it can make productive use of the
9 land, the board may approve a reduction or waiver of
10 lease rental up to twenty years that shall not exceed
11 the amount of the lessee's total expenditures for
12 demolition or provision of such infrastructure;
- 13 (8) Delegate to the chairperson or employees of the
14 department of land and natural resources, subject to
15 the board's control and responsibility, such powers
16 and duties as may be lawful or proper for the
17 performance of the functions vested in the board;
- 18 (9) Use arbitration under chapter 658A to settle any
19 controversy arising out of any existing or future
20 lease;



- 1 (10) Set, charge, and collect reasonable fees in an amount
- 2 sufficient to defray the cost of performing or
- 3 otherwise providing for the inspection of activities
- 4 permitted upon the issuance of a land license
- 5 involving a commercial purpose;
- 6 (11) Appoint masters or hearing officers to conduct public
- 7 hearings as provided by law and under such conditions
- 8 as the board by rules shall establish;
- 9 (12) Bring such actions as may be necessary to remove or
- 10 remedy encroachments upon public lands. Any person
- 11 causing an encroachment upon public land shall:
- 12 (A) Be fined not more than \$1,000 a day for the first
- 13 offense;
- 14 (B) Be fined not less than \$1,000 nor more than
- 15 \$4,000 per day upon the second offense and
- 16 thereafter;
- 17 (C) If required by the board, restore the land to its
- 18 original condition if altered and assume the
- 19 costs thereof;
- 20 (D) Assume such costs as may result from adverse
- 21 effects from such restoration; and



- 1 (E) Be liable for administrative costs incurred by
2 the department and for payment of damages;
- 3 (13) Set, charge, and collect interest and a service charge
4 on delinquent payments due on leases, sales, or other
5 accounts. The rate of interest shall not exceed one
6 per cent a month and the service charge shall not
7 exceed \$50 a month for each delinquent payment;
8 provided that the contract shall state the interest
9 rate and the service charge and be signed by the party
10 to be charged;
- 11 (14) Set, charge, and collect additional rentals for the
12 unauthorized use of public lands by a lessee,
13 licensee, grantee, or permittee who is in violation of
14 any term or condition of a lease, license, easement,
15 or revocable permit, retroactive to the date of the
16 occurrence of the violation. Such amounts shall be
17 considered delinquent payments and shall be subject to
18 interest and service charges as provided in paragraph
19 (13);
- 20 (15) Set, charge, and collect reasonable fines for
21 violation of this chapter or any rule adopted



1 thereunder. Any person engaging in any prohibited use
2 of public lands or conducting any prohibited activity
3 on public lands, or violating any of the other
4 provisions of this chapter or any rule adopted
5 thereunder, for which violation a penalty is not
6 otherwise provided, shall be:

7 (A) Fined not more than \$5,000 per violation for a
8 first violation or a violation beyond five years
9 of the last violation; provided that, after
10 written or verbal notification from the
11 department, an additional \$1,000 per day per
12 violation may be assessed for each day in which
13 the violation persists;

14 (B) Fined not more than \$10,000 per violation for a
15 second violation within five years of the last
16 violation; provided that, after written or verbal
17 notification from the department, an additional
18 \$2,000 per day per violation may be assessed for
19 each day in which the violation persists;

20 (C) Fined not more than \$20,000 per violation for a
21 third or subsequent violation within five years



1 of the last violation; provided that, after
2 written or verbal notification from the
3 department, an additional \$4,000 per day per
4 violation may be assessed for each day in which
5 the violation persists; and

6 (D) Liable for administrative costs and expenses
7 incurred by the department and for payment for
8 damages, including but not limited to natural
9 resource damages.

10 In addition to the fines, administrative costs, and
11 damages provided for hereinabove, for damage to or
12 theft of natural resources, the board may also set,
13 charge, and collect a fine that, in its discretion, is
14 appropriate considering the value of the natural
15 resource that is damaged or the subject of the theft.

16 In arriving at an appropriate fine, the board may
17 consider the market value of the natural resource
18 damaged or taken and any other factor it deems
19 appropriate, such as the loss of the natural resource
20 to its natural habitat and environment and the cost of
21 restoration or replacement. The remedies provided for



1 in this paragraph are cumulative and in addition to
2 any other remedies allowed by law.

3 No person shall be sanctioned pursuant to this section
4 for the exercise of native Hawaiian gathering rights
5 and traditional cultural practices as authorized by
6 law or as permitted by the department pursuant to
7 article XII, section 7, of the Hawaii state
8 constitution;

9 (16) Issue revenue bonds, subject to the approval of the
10 legislature. All revenue bonds shall be issued
11 pursuant to part III of chapter 39, except as provided
12 in this chapter. All revenue bonds shall be issued in
13 the name of the department and not in the name of the
14 State. The final maturity date of the revenue bonds
15 may be any date not exceeding thirty years from the
16 date of issuance;

17 (17) Pledge or assign all or any part of the receipts and
18 revenues of the department. The revenue bonds shall
19 be payable from and secured solely by the revenue
20 derived by the department from the industrial park or
21 parks for which the bonds are issued;



1 (18) Reimburse the state general fund for debt service on
2 general obligation bonds or reimbursable general
3 obligation bonds issued by the State for purposes of
4 this chapter;

5 (19) Notwithstanding part II of chapter 205A to the
6 contrary, plan, design, construct, operate, and
7 maintain any lands or facilities under the
8 jurisdiction of the division of boating and ocean
9 recreation of the department without the need to
10 obtain a special management area minor permit or
11 special management area use permit; and

12 (20) Do any and all things necessary to carry out its
13 purposes and exercise the powers granted in this
14 chapter."

15 PART V

16 SECTION 10. Chapter 171, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§171- Development of public lands in a redevelopment
20 area. (a) Notwithstanding any provision of law to the
21 contrary, a local redevelopment agency created pursuant to



1 section 53-2, with the prior approval of the council of the
2 applicable county, approval of the governor, and authorization
3 of the legislature by concurrent resolution, may negotiate a
4 development agreement with a developer for commercial, business,
5 or hotel or resort uses on public lands within a redevelopment
6 area according to a redevelopment plan adopted by the local
7 redevelopment agency pursuant to chapter 53.

8 (b) The development agreement shall provide for the
9 leasehold disposition of the land and shall:

- 10 (1) Describe the land subject to the development
11 agreement, including the location, area, and size of
12 the land;
- 13 (2) Specify the permitted use or uses for the land;
- 14 (3) Require that the permitted use or uses conform with
15 all applicable state and county laws and ordinances;
- 16 (4) Include the start and completion dates of construction
17 negotiated with the developer;
- 18 (5) Specify the on-site and off-site improvements involved
19 with the development;



1 (6) Provide the lease commencement and termination dates
2 and rent requirements of the land specified in the
3 development agreement; and

4 (7) Include any other terms or conditions determined to be
5 necessary by the local redevelopment agency."

6 SECTION 11. Chapter 237, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§237- Redevelopment project. (a) This chapter shall
10 not apply to amounts received from the construction of work or
11 improvements of a redevelopment project.

12 (b) For the purposes of this section:

13 "Construction of work or improvements of a redevelopment
14 project" includes any costs of design, engineering, labor, and
15 materials associated with the demolition and construction of a
16 redevelopment project that is part of the redevelopment plan
17 adopted by a local redevelopment agency pursuant to chapter 53.

18 "Redevelopment project" shall have the same meaning as
19 defined in section 53-1."

20 SECTION 12. Section 238-1, Hawaii Revised Statutes, is
21 amended by amending the definition of "use" to read as follows:



1 ""Use" (and any nounal, verbal, adjectival, adverbial, and
2 other equivalent form of the term) herein used interchangeably
3 means any use, whether the use is of such nature as to cause the
4 property, services, or contracting to be appreciably consumed or
5 not, or the keeping of the property or services for such use or
6 for sale, the exercise of any right or power over tangible or
7 intangible personal property incident to the ownership of that
8 property, and shall include control over tangible or intangible
9 property by a seller who is licensed or who should be licensed
10 under chapter 237, who directs the importation of the property
11 into the State for sale and delivery to a purchaser in the
12 State, liability and free on board (FOB) to the contrary
13 notwithstanding, regardless of where title passes, but the term
14 "use" shall not include:

- 15 (1) Temporary use of property, not of a perishable or
16 quickly consumable nature, where the property is
17 imported into the State for temporary use (not sale)
18 therein by the person importing the same and is not
19 intended to be, and is not, kept permanently in the
20 State. For example, without limiting the generality
21 of the foregoing language:



- 1 (A) In the case of a contractor importing permanent
2 equipment for the performance of a construction
3 contract, with intent to remove, and who does
4 remove, the equipment out of the State upon
5 completing the contract;
- 6 (B) In the case of moving picture films imported for
7 use in theaters in the State with intent or under
8 contract to transport the same out of the State
9 after completion of such use; and
- 10 (C) In the case of a transient visitor importing an
11 automobile or other belongings into the State to
12 be used by the transient visitor while therein
13 but which are to be used and are removed upon the
14 transient visitor's departure from the State;
- 15 (2) Use by the taxpayer of property acquired by the
16 taxpayer solely by way of gift;
- 17 (3) Use which is limited to the receipt of articles and
18 the return thereof, to the person from whom acquired,
19 immediately or within a reasonable time either after
20 temporary trial or without trial;



- 1 (4) Use of goods imported into the State by the owner of a
2 vessel or vessels engaged in interstate or foreign
3 commerce and held for and used only as ship stores for
4 the vessels;
- 5 (5) The use or keeping for use of household goods,
6 personal effects, and private automobiles imported
7 into the State for nonbusiness use by a person who:
- 8 (A) Acquired them in another state, territory,
9 district, or country;
- 10 (B) At the time of the acquisition was a bona fide
11 resident of another state, territory, district,
12 or country;
- 13 (C) Acquired the property for use outside the State;
14 and
- 15 (D) Made actual and substantial use thereof outside
16 this State;
- 17 provided that as to an article acquired less than
18 three months prior to the time of its importation into
19 the State it shall be presumed, until and unless
20 clearly proved to the contrary, that it was acquired



1 for use in the State and that its use outside the
2 State was not actual and substantial;

3 (6) The leasing or renting of any aircraft or the keeping
4 of any aircraft solely for leasing or renting to
5 lessees or renters using the aircraft for commercial
6 transportation of passengers and goods or the
7 acquisition or importation of any such aircraft or
8 aircraft engines by any lessee or renter engaged in
9 interstate air transportation. For purposes of this
10 paragraph, "leasing" includes all forms of lease,
11 regardless of whether the lease is an operating lease
12 or financing lease. The definition of "interstate air
13 transportation" is the same as in 49 U.S.C. 40102;

14 (7) The use of oceangoing vehicles for passenger or
15 passenger and goods transportation from one point to
16 another within the State as a public utility as
17 defined in chapter 269;

18 (8) The use of material, parts, or tools imported or
19 purchased by a person licensed under chapter 237 which
20 are used for aircraft service and maintenance, or the
21 construction of an aircraft service and maintenance



1 facility as those terms are defined in section
2 237-24.9;

3 (9) The use of services or contracting imported for resale
4 where the contracting or services are for resale,
5 consumption, or use outside the State pursuant to
6 section 237-29.53(a); [and]

7 (10) The use of property, services, or contracting imported
8 by foreign diplomats and consular officials who are
9 holding cards issued or authorized by the United
10 States Department of State granting them an exemption
11 from state taxes[-]; and

12 (11) The use of material, parts, or tools imported or
13 purchased by a person licensed under chapter 237 that
14 are used for the construction of work or improvements
15 of a redevelopment project as defined in section
16 237- .

17 With regard to purchases made and distributed under the
18 authority of chapter 421, a cooperative association shall be
19 deemed the user thereof."



1 PART VI

2 SECTION 13. In codifying the new sections added by section
3 2 of this Act, the revisor of statutes shall substitute
4 appropriate section numbers for the letters used in designating
5 the new sections in this Act.

6 SECTION 14. This Act does not affect rights and duties
7 that matured, penalties that were incurred, and proceedings that
8 were begun before its effective date.

9 SECTION 15. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 16. This Act shall take effect on July 1, 2050;
12 provided that the county of Hawaii repeals the Banyan Drive
13 Hawaii redevelopment agency.



Report Title:

Public Lands; Redevelopment; Waiakea Peninsula; Appropriation

Description:

Authorizes the designation of areas or regions of public lands classified as commercial, industrial, resort and hotel, and the establishment and implementation of guidelines for the redevelopment of the areas or regions that will: (1) modernize the policies for the management of public lands in the designated area; (2) establish a plan for the designated area, including district-wide improvements, that is coordinated with state and county land use and planning policies; and (3) implement asset and property management concepts that can optimize income from the properties and evolve in response to changing principles of property administration. Designates the public lands on the Waiakea peninsula on the island of Hawaii as the Waiakea Peninsula Redevelopment District. Allows DLNR to issue a rent reduction or waiver for certain lessee's expenses for demolition or provision of basic infrastructure. Authorizes a local redevelopment agency to contract with a developer for construction of non-residential projects on public land within a redevelopment area. Exempts the costs of construction of work or improvements of a redevelopment project from general excise and use taxes. Takes effect provided that the County of Hawaii repeals the Banyan Drive Hawaii redevelopment agency. Makes an appropriation. Effective 7/1/2050. (SD2)

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

