

ACT 122

H.B. NO. 2573

A Bill for an Act Relating to the Special Funds of the Land Division.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-19, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created in the department a special fund to be designated as the “special land and development fund”. Subject to the Hawaiian Homes Commission Act of 1920, as amended, and section 5(f) of the Admission Act of 1959[, and except as provided under section 171-138 for the industrial park special fund], all proceeds of sale of public lands, including interest on deferred payments; all rents from leases, licenses, and permits derived from public lands; all moneys collected from lessees of public lands within industrial parks; all fees, fines, and other administrative charges collected under this chapter[;] and chapter 183C; a portion of the highway fuel tax collected under chapter 243; fees charged by the department for the commercial use of public trails and trail accesses under the jurisdiction of the department; and private contributions for the management, maintenance, and development of trails and accesses shall be set apart in the fund and shall be used only as authorized by the legislature for the following purposes:

- (1) To reimburse the general fund of the State for advances made that are required to be reimbursed from the proceeds derived from sales, leases, licenses, or permits of public lands;
- (2) For the planning, development, management, operations, or maintenance of all lands and improvements under the control and manage-

- ment of the board, including but not limited to permanent or temporary staff positions who may be appointed without regard to []chapters[] 76 and 77;
- (3) To repurchase any land, including improvements, in the exercise by the board of any right of repurchase specifically reserved in any patent, deed, lease, or other documents or as provided by law;
 - (4) For the payment of all appraisal fees; provided that all fees reimbursed to the board shall be deposited in the fund;
 - (5) For the payment of publication notices as required under this chapter; provided that all or a portion of the expenditures may be charged to the purchaser or lessee of public lands or any interest therein under rules adopted by the board;
 - (6) For the management, maintenance, and development of trails and trail accesses under the jurisdiction of the department not to exceed \$500,000 in any fiscal year;
 - (7) For the payment to private land developers who have contracted with the board for development of public lands under section 171-60; [and]
 - (8) For the payment of debt service on revenue bonds issued by the department, and the establishment of debt service and other reserves deemed necessary by the board;
 - (9) To reimburse the general fund for debt service on general obligation bonds issued to finance departmental projects, where the bonds are designated to be reimbursed from the special land and development fund; and
- [(8)] (10) For other purposes of this chapter.’’

SECTION 2. Section 171-138, Hawaii Revised Statutes, is repealed.

SECTION 3. The director of finance shall transfer the unexpended balance, including encumbrances and accrued liabilities, of the industrial park special fund calculated as of the close of business on June 30, 2000, to the credit of the special land and development fund. Encumbered moneys shall continue to be encumbered until paid out or released from prior encumbrances.

SECTION 4. There is appropriated out of the special land and development fund the sum of \$2,000,000, or so much thereof as may be necessary, for fiscal year 2000-2001 for purposes of this fund. The sum appropriated shall be expended by the department of land and natural resources for the purposes of this fund.

SECTION 5. Statutory material to be repealed is bracketed.¹ New statutory material is underscored.

SECTION 6. This Act shall take effect on June 29, 2000, except that sections 1, 2, and 4 shall take effect on July 1, 2000.

(Approved May 26, 2000.)

Note

1. Edited pursuant to HRS §23G-16.5.