

ACT 282

H.B. NO. 2398

A Bill for an Act Relating to Land Use.

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

PART I

SECTION 1. (a) The division of boating and ocean recreation is directed to transfer the development rights of the parcels of land identified by tax map keys (3)7-4-08:03 and (3)7-4-08:41 to the public land development corporation, and the land division is directed to transfer the development rights of the parcel of land identified by tax map key (3)7-4-08:71 to the public land development corporation; provided that the division of boating and ocean recreation and the land division shall continue to execute their respective responsibilities relating to negotiating or executing a contract for any request for proposal or managing any existing contract until the public land development corporation is able to assume the negotiating, oversight, and management responsibilities relating to the existing contract or request for proposal, as the case may be, or until June 30, 2013, whichever occurs first.

(b) The public land development corporation shall coordinate the development of the land pursuant to chapter 171C, Hawaii Revised Statutes.

PART II

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

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

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

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

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

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

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

- (5) Land to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;
- (6) Land that is set aside by the governor to the Aloha Tower development corporation; or land to which the Aloha Tower development corporation holds title in its corporate capacity;
- (7) Land that is set aside by the governor to the agribusiness development corporation; or land to which the agribusiness development corporation in its corporate capacity holds title; ~~and~~
- (8) Land to which the high technology development corporation in its corporate capacity holds title~~[-]; and~~
- (9) Land that is set aside by the governor to the public land development corporation or land to which the public land development corporation holds title in its corporate capacity.

PART III

SECTION 4. Chapter 171C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§171C- Stadium facilities special fund. (a) There is established a stadium facilities special fund into which shall be deposited all proceeds from leases, permits, interest income generated from Aloha Stadium lands and facilities, and other revenue generated from the non-permanent disposition of Aloha Stadium lands and facilities under this chapter, less the following:

- (1) The principal and interest on bonds issued pursuant to this chapter for projects on Aloha Stadium lands or utilizing Aloha Stadium facilities;
- (2) The cost of administering, operating, and maintaining projects on Aloha Stadium lands or utilizing Aloha Stadium facilities, not to exceed fifteen per cent of the sums collected, net of principal and interest payments on bonds; and
- (3) Other sums that may be necessary for the issuance of bonds under this chapter.

(b) The stadium facilities special fund shall be administered by the stadium authority. Except as otherwise provided, all moneys in the stadium facilities special fund shall be used exclusively for stadium purposes.”

SECTION 5. Section 171C-2, Hawaii Revised Statutes, is amended by amending the definition of “development rights” to read as follows:

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

SECTION 6. Section 171C-6, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Notwithstanding any provision of this chapter to the contrary, when leasing corporation-controlled [~~publie~~] land, the corporation may contract with a financial institution chartered under chapter 412 or a federal financial institution, as defined under section 412:1-109, that transacts business in this State or any state or county agency to provide lease management services. For the purposes of this subsection, “lease management services” includes the collection of

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lease rent and any other moneys owed to the corporation related to the lease of [public] land under the corporation's control.”

SECTION 7. Section 171C-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the Hawaii public land development revolving fund, to which shall be credited any state appropriations to the fund, any sums collected as a result of bonds issued pursuant to this chapter, any revenues generated from the facilities, except as provided in section 171C-1, or other moneys made available to the fund, to be expended as directed by the corporation.”

PART IV

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 9. This Act shall take effect upon its approval.

(Approved July 6, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.