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# A BILL FOR AN ACT

RELATING TO LAND USE.

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

**1** **PART I**

**2** SECTION 1. (a) The division of boating and ocean  
**3** recreation is directed to transfer the development rights of the  
**4** parcels of land identified by tax map keys (3)7-4-08:03 and  
**5** (3)7-4-08:41 to the public land development corporation, and the  
**6** land division is directed to transfer the development rights of  
**7** the parcel of land identified by tax map key (3)7-4-08:71 to the  
**8** public land development corporation; provided that the division  
**9** of boating and ocean recreation and the land division shall  
**10** continue to execute their respective responsibilities relating  
**11** to negotiating or executing a contract for any request for  
**12** proposal or managing any existing contract until the public land  
**13** development corporation is able to assume the negotiating,  
**14** oversight, and management responsibilities relating to the  
**15** existing contract or request for proposal, as the case may be,  
**16** or until June 30, 2013, whichever occurs first.



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

4 **PART II**

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

7 "§171-2 **Definition of public lands.** "Public lands" means  
8 all lands or interest therein in the State classed as government  
9 or crown lands previous to August 15, 1895, or acquired or  
10 reserved by the government upon or subsequent to that date by  
11 purchase, exchange, escheat, or the exercise of the right of  
12 eminent domain, or in any other manner; including accreted lands  
13 not otherwise awarded, submerged lands, and lands beneath tidal  
14 waters which are suitable for reclamation, together with  
15 reclaimed lands which have been given the status of public lands  
16 under this chapter, except:

- 17 (1) Lands designated in section 203 of the Hawaiian Homes  
18 Commission Act, 1920, as amended;
- 19 (2) Lands set aside pursuant to law for the use of the  
20 United States;
- 21 (3) Lands being used for roads and streets;



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



1 or agency of the State; or lands to which the Aloha  
2 Tower development corporation holds title in its  
3 corporate capacity;

4 (10) Lands which are set aside by the governor to the  
5 agribusiness development corporation; lands leased to  
6 the agribusiness development corporation by any  
7 department or agency of the State; or lands to which  
8 the agribusiness development corporation in its  
9 corporate capacity holds title; [~~and~~]

10 (11) Lands to which the high technology development  
11 corporation in its corporate capacity holds title[~~-~~];  
12 and

13 (12) Lands which are set aside by the governor to the  
14 public land development corporation; lands leased to  
15 the public land development corporation by any  
16 department or agency of the State; or lands to which  
17 the public land development corporation holds title in  
18 its corporate capacity."

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

21 "(a) This section applies to all lands or interest therein  
22 owned or under the control of state departments and agencies



1 classed as government or crown lands previous to August 15,  
2 1895, or acquired or reserved by the government upon or  
3 subsequent to that date by purchase, exchange, escheat, or the  
4 exercise of the right of eminent domain, or any other manner,  
5 including accreted lands not otherwise awarded, submerged lands,  
6 and lands beneath tidal waters which are suitable for  
7 reclamation, together with reclaimed lands which have been given  
8 the status of public lands under this chapter, including:

- 9 (1) Land set aside pursuant to law for the use of the  
10 United States;
- 11 (2) Land to which the United States relinquished the  
12 absolute fee and ownership under section 91 of the  
13 Organic Act prior to the admission of Hawaii as a  
14 state of the United States;
- 15 (3) Land to which the University of Hawaii holds title;
- 16 (4) Land to which the Hawaii housing finance and  
17 development corporation in its corporate capacity  
18 holds title;
- 19 (5) Land 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 (6) Land that is set aside by the governor to the Aloha  
2 Tower development corporation; or land to which the  
3 Aloha Tower development corporation holds title in its  
4 corporate capacity;
- 5 (7) Land that is set aside by the governor to the  
6 agribusiness development corporation; or land to which  
7 the agribusiness development corporation in its  
8 corporate capacity holds title; [~~and~~]
- 9 (8) Land to which the high technology development  
10 corporation in its corporate capacity holds title[~~-~~];  
11 and
- 12 (9) Land that is set aside by the governor to the public  
13 land development corporation or land to which the  
14 public land development corporation holds title in its  
15 corporate capacity."

16 PART III

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

20 "§171C- Stadium facilities special fund. (a) There is  
21 established a stadium facilities special fund into which shall  
22 be deposited all proceeds from leases, permits, interest income



1 generated from Aloha Stadium lands and facilities, and other  
2 revenue generated from the non-permanent disposition of Aloha  
3 Stadium lands and facilities under this chapter, less the  
4 following:

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

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

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



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

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

8            "(d) Notwithstanding any provision of this chapter to the  
9 contrary, when leasing corporation-controlled [~~publie~~] land, the  
10 corporation may contract with a financial institution chartered  
11 under chapter 412 or a federal financial institution, as defined  
12 under section 412:1-109, that transacts business in this State  
13 or any state or county agency to provide lease management  
14 services. For the purposes of this subsection, "lease  
15 management services" includes the collection of lease rent and  
16 any other moneys owed to the corporation related to the lease of  
17 [~~publie~~] land under the corporation's control."

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

20            "(a) There is established the Hawaii public land  
21 development revolving fund, to which shall be credited any state  
22 appropriations to the fund, any sums collected as a result of





1 bonds issued pursuant to this chapter, any revenues generated  
2 from the facilities, except as provided in section 171C- , or  
3 other moneys made available to the fund, to be expended as  
4 directed by the corporation."

5 **PART IV**

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

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



**Report Title:**

PLDC; Stadium Facilities Special Fund

**Description:**

Transfers development rights of certain lands under the division of boating and ocean recreation and land division to the public land development corporation. Exempts certain lands from the definition of public land under chapter 171, HRS, but requires legislative approval for the sale or gift of those lands. Creates the stadium facilities special fund into which shall be deposited a portion of the proceeds generated by the PLDC on Aloha stadium lands and facilities. Allows the PLDC to contract with state and county agencies for lease management services of PLDC-controlled land. Clarifies the definition of development rights. (SD1)

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

