

S.B. NO. 3111

JAN 24 2024

A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1 SECTION 1. The legislature finds that the Hawaii community
2 development authority is tasked with promoting and coordinating
3 public and private sector community development and to plan for
4 the development of underutilized areas of Hawaii. The purpose
5 of this Act is to add the chairperson of the Hawaiian homes
6 commission or the chairperson's designee to the Hawaii community
7 development authority.

8 SECTION 2. Section 206E-3, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The authority shall consist of the director of
11 finance or the director's designee; the director of
12 transportation or the director's designee; the director of
13 business, economic development, and tourism or the director's
14 designee; the chairperson of the board of land and natural
15 resources; the chairperson of the Hawaiian homes commission or
16 the chairperon's designee, who shall serve as a non-voting
17 member and shall not be considered in determining quorum and
18 majority; the director of planning or planning and permitting of

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1 each county in which a community development district is located
2 or the director's designee; a cultural specialist; an at-large
3 member nominated by the president of the senate; an at-large
4 member nominated by the speaker of the house of representatives;
5 two representatives of the Heeia community development district,
6 comprising one resident of that district or the Koolaupoko
7 district, which consists of sections 1 through 9 of zone 4 of
8 the first tax map key division, and one owner of a small
9 business or one officer or director of a nonprofit organization
10 in the Heeia community development district or Koolaupoko
11 district; two representatives of the Kalaeloa community
12 development district, comprising one resident of the Ewa zone
13 (zone 9, sections 1 through 2) or the Waianae zone (zone 8,
14 sections 1 through 9) of the first tax map key division, and one
15 owner of a small business or one officer or director of a
16 nonprofit organization in the Ewa or Waianae zone; two
17 representatives of the Kakaako community development district,
18 comprising one resident of the district and one owner of a small
19 business or one officer or director of a nonprofit organization
20 in the district; and two representatives of the Pulehunui
21 community development district, consisting of one resident of
22 the island of Maui, and one owner of a small business or one

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1 officer or director of a nonprofit organization on the island of
2 Maui.

3 All members except the director of finance, director of
4 transportation, county directors of planning or planning and
5 permitting, director of business, economic development, and
6 tourism, chairperson of the board of land and natural resources,
7 chairperson of the Hawaiian homes commission, or their
8 respective designees shall be appointed by the governor pursuant
9 to section 26-34. The two at-large members nominated by the
10 president of the senate and speaker of the house of
11 representatives shall each be invited to serve and appointed by
12 the governor from a list of three nominees submitted for each
13 position by the nominating authority specified in this
14 subsection.

15 The president of the senate and the speaker of the house of
16 representatives shall each submit a list of six nominees for
17 each district to the governor to fill the two district
18 representative positions for each community development
19 district. For each community development district, the governor
20 shall appoint one member from a list of nominees submitted by
21 the president of the senate and one member from a list of
22 nominees submitted by the speaker of the house of

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1 representatives, and of the two appointees, one shall meet the
2 district residency requirement and one shall meet the district
3 small business owner or nonprofit organization officer or
4 director requirement.

5 The authority shall be organized and shall exercise
6 jurisdiction as follows:

7 (1) For matters affecting the Heeia community development
8 district, the following members shall be considered in
9 determining quorum and majority and shall be eligible
10 to vote:

11 (A) The director of finance or the director's
12 designee;

13 (B) The director of transportation or the director's
14 designee;

15 (C) The director of business, economic development,
16 and tourism or the director's designee;

17 (D) The director of planning and permitting for the
18 county in which the Heeia community development
19 district is located or the director's designee;

20 (E) The cultural specialist;

21 (F) The two at-large members; and

22 (G) The two representatives of the Heeia

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1 community development district;

2 (2) For matters affecting the Kalaeloa community

3 development district, the following members shall be

4 considered in determining quorum and majority and

5 shall be eligible to vote, except that the chairperson

6 of the Hawaiian homes commission or the chairperson's

7 designee, who shall serve as a nonvoting member, shall

8 not be considered in determining quorum and majority:

9 (A) The director of finance or the director's

10 designee;

11 (B) The director of transportation or the director's

12 designee;

13 (C) The director of business, economic development,

14 and tourism or the director's designee;

15 (D) The director of planning and permitting for the

16 county in which the Kalaeloa community

17 development district is located or the director's

18 designee;

19 (E) The cultural specialist;

20 (F) The two at-large members; [~~and~~]

21 (G) The two representatives of the Kalaeloa

22 community development district; and

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1 (H) The chairperson of the Hawaiian homes commission
2 or the chairperson's designee, who shall serve as a
3 nonvoting member and shall not be considered in determining
4 quorum and majority;

5 (3) For matters affecting the Kakaako community
6 development district, the following members shall be
7 considered in determining quorum and majority and
8 shall be eligible to vote:

9 (A) The director of finance or the director's
10 designee;

11 (B) The director of transportation or the director's
12 designee;

13 (C) The director of business, economic development,
14 and tourism or the director's designee;

15 (D) The director of planning and permitting for the
16 county in which the Kakaako community development
17 district is located or the director's designee;

18 (E) The cultural specialist;

19 (F) The two at-large members; and

20 (G) The two representatives of the Kakaako
21 community development district; and

22 (4) For matters affecting the Pulehunui community

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1 development district, the following members shall be
2 considered in determining quorum and majority and
3 shall be eligible to vote:

- 4 (A) The director of finance or the director's
5 designee;
- 6 (B) The director of transportation or the director's
7 designee;
- 8 (C) The director of business, economic development,
9 and tourism or the director's designee;
- 10 (D) The director of planning for the county in which
11 the Pulehunui community development district is
12 located or the director's designee;
- 13 (E) The chairperson of the board of land and natural
14 resources or the chairperson's designee;
- 15 (F) The cultural specialist;
- 16 (G) The two at-large members; and
- 17 (H) The two representatives of the Pulehunui
18 community development district.

19 In the event of a vacancy, a member shall be appointed to
20 fill the vacancy in the same manner as the original appointment
21 within thirty days of the vacancy or within ten days of the
22 senate's rejection of a previous appointment, as applicable.

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1 The terms of the director of finance; director of
2 transportation; county directors of planning or planning and
3 permitting; director of business, economic development, and
4 tourism; [~~and~~] chairperson of the board of land and natural
5 resources; and chairperson of the Hawaiian homes commission; or
6 their respective designees shall run concurrently with each
7 official's term of office. The terms of the appointed voting
8 members shall be for four years, commencing on July 1 and
9 expiring on June 30. The governor shall provide for staggered
10 terms of the initially appointed voting members so that the
11 initial terms of four members selected by lot shall be for two
12 years, the initial terms of four members selected by lot shall
13 be for three years, and the initial terms of the remaining three
14 members shall be for four years.

15 The governor may remove or suspend for cause any member
16 after due notice and public hearing.

17 Notwithstanding section 92-15, a majority of all eligible
18 voting members as specified in this subsection shall constitute
19 a quorum to do business, and the concurrence of a majority of
20 all eligible voting members as specified in this subsection
21 shall be necessary to make any action of the authority valid.
22 All members shall continue in office until their respective

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1 successors have been appointed and qualified. Except as herein
2 provided, no member appointed under this subsection shall be an
3 officer or employee of the State or its political subdivisions.

4 For purposes of this section, "small business" means a
5 business that is independently owned and that is not dominant in
6 its field of operation."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 
BY REQUEST

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Report Title:

HCDA; Membership

Description:

Adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee as a nonvoting member to the Hawaii Community Development Authority.

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

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

PURPOSE: To add the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee as a nonvoting member to the Hawaii Community Development Authority.

MEANS: Amend section 206E-3(b), Hawaii Revised Statutes.

JUSTIFICATION: Allowing the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to serve as a nonvoting member on the Hawaii Community Development Authority would provide an opportunity for the Chairperson or the Chairperson's designee to participate in promoting and coordinating public and private sector community development and to plan for the development of underutilized areas of Hawaii.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to serve as a nonvoting member on the Hawaii Community Development Authority.

Impact on the department and other agencies: An additional member would serve as a nonvoting member on the Hawaii Community Development Authority.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES:

Hawaii Community Development Authority.

EFFECTIVE DATE:

Upon approval.