

JAN 19 2007

A BILL FOR AN ACT

RELATING TO HAWAIIAN HOME LANDS.

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

1 SECTION 1. Section 204.5 of the Hawaiian Homes Commission
2 Act, 1920, as amended, is amended to read as follows:

3 "**§204.5. Additional powers.** (a) In addition and
4 supplemental to the powers granted to the department by law, and
5 notwithstanding any law to the contrary, the department may:

6 (1) With the approval of the governor, undertake and carry
7 out the development of any Hawaiian home lands
8 available for lease under and pursuant to section 207
9 of this Act by assembling these lands in residential
10 developments and providing for the construction,
11 reconstruction, improvement, alteration, or repair of
12 public facilities therein, including, without
13 limitation, streets, storm drainage systems,
14 pedestrian ways, water facilities and systems,
15 sidewalks, street lighting, sanitary sewerage
16 facilities and systems, utility and service corridors,
17 and utility lines, where applicable, sufficient to
18 adequately service developable improvements therein,



1 sites for schools, parks, off-street parking
2 facilities, and other community facilities;
3 (2) With the approval of the governor, undertake and carry
4 out the development of available lands for homestead,
5 commercial, and multipurpose projects as provided in
6 section 220.5 of this Act, as a developer under this
7 section or in association with a developer agreement
8 entered into pursuant to this section by providing for
9 the construction, reconstruction, improvement,
10 alteration, or repair of public facilities for
11 development, including, without limitation, streets,
12 storm drainage systems, pedestrian ways, water
13 facilities and systems, sidewalks, street lighting,
14 sanitary sewerage facilities and systems, utility and
15 service corridors, and utility lines, where
16 applicable, sufficient to adequately service
17 developable improvements therein, sites for schools,
18 parks, off-street parking facilities, and other
19 community facilities; provided that any development
20 pursuant to this part of available lands for purposes
21 other than a homestead project shall be developed in



1 accordance with county zoning, subdivision, and other
2 land use requirements;

3 (3) With the approval of the governor, designate by
4 resolution of the commission all or any portion of a
5 development or multiple developments undertaken
6 pursuant to this section an "undertaking" under part
7 III of chapter 39, Hawaii Revised Statutes; and

8 (4) Exercise the powers granted under section 39-53,
9 Hawaii Revised Statutes, including the power to issue
10 revenue bonds from time to time as authorized by the
11 legislature.

12 (b) All provisions of part III of chapter 39, Hawaii
13 Revised Statutes, shall apply to the department and all revenue
14 bonds issued by the department shall be issued pursuant to the
15 provisions of that part, except these revenue bonds shall be
16 issued in the name of the department, and not in the name of the
17 State.

18 As applied to the department, the term "undertaking" as
19 used in part III of chapter 39 shall include a residential
20 development or a development of homestead, commercial, or
21 multipurpose projects under this Act. The term "revenue" as
22 used in part III of chapter 39, shall include all or any portion



1 of the rentals derived from the leasing of Hawaiian home lands
2 or available lands, whether or not the property is a part of the
3 development being financed."

4 SECTION 2. Section 220.5 of the Hawaiian Homes Commission
5 Act, 1920, as amended, is amended as follows:

6 1. By amending subsection (a) to read:

7 "(a) Notwithstanding any law to the contrary, the
8 department is authorized to enter into and carry out contracts
9 to develop available lands for homestead, commercial, and
10 multipurpose projects; provided that the department shall not be
11 subject to the requirements of competitive bidding if no state
12 funds are to be used in the development of the project[-];
13 provided further that any development pursuant to this section
14 of available lands for a project or a portion of a project for
15 other than homestead purposes shall be developed in accordance
16 with county zoning, subdivision, and other land use
17 requirements."

18 2. By amending subsection (c) to read:

19 "(c) Any project developer agreement entered into pursuant
20 to this section shall include the following terms and
21 conditions, wherever appropriate:



- 1 (1) A requirement that the developer file with the
2 department a good and sufficient bond conditioned upon
3 the full and faithful performance of all the terms,
4 covenants, and conditions of the project developer
5 agreement;
- 6 (2) The use or uses to which the land will be put;
- 7 (3) The dates on which the developer must submit to the
8 department for approval preliminary plans and final
9 plans and specifications for the total development. No
10 construction shall commence until the department has
11 approved the final plans and specifications; provided
12 that construction on an incremental basis may be
13 permitted by the department;
- 14 (4) The date of completion of the total development,
15 including the date of completion of any permitted
16 incremental development;
- 17 (5) The minimum requirements for off-site and on-site
18 improvements that the developer must install,
19 construct, and complete by the date of completion of
20 the total development. The department may permit
21 incremental development and establish the minimum
22 requirements for off-site and on-site improvements



1 that must be installed, constructed, and completed
2 prior to the date of completion of the total
3 development; [~~and~~]

4 (6) In the case of a development of available land for a
5 project or any portion of a project for other than
6 homestead purposes, a requirement that the developer
7 develop the project or that portion of the project
8 that is not for homestead purposes in accordance with
9 county zoning, subdivision, and other land use
10 requirements; and

11 [~~(6)~~] (7) Any other terms and conditions deemed necessary
12 by the department to protect the interests of the
13 State and the department."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

17 SECTION 4. The provisions of the amendments made by this
18 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
19 declared to be severable, and if any section, sentence, clause,
20 or phrase, or the application thereof to any person or
21 circumstances is held ineffective because there is a requirement
22 of having the consent of the United States to take effect, then



1 that portion only shall take effect upon the granting of consent
2 by the United States and effectiveness of the remainder of these
3 amendments or the application thereof shall not be affected.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Hawaiian Homes Commission, Land Development

Description:

Requires any development of "available lands" for other than homestead purposes to be done in accordance with county zoning and other land use requirements.

