

JAN 20 2012

S.B. NO. 2509

A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

SECTION 1. Chapter 206E, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

"§206E- Kalaeloa community development district; representation to the Hawaii community development authority.

(a) Five voting members shall be appointed to the authority by the governor to represent the Kalaeloa community development district. Members appointed pursuant to this section shall be in addition to members appointed pursuant to section 206E-3, shall be considered in determining quorum and majority only for issues relating to the Kalaeloa community development district, and shall vote only on issues relating to the Kalaeloa community development district.

(b) Members appointed pursuant to this section shall be exempt from the requirements of section 26-34 and shall be:

(1) The chairperson of the Hawaiian homes commission;

(2) The director of the city and county of Honolulu department of planning and permitting;



1 (3) One member who is determined by the authority to be a
2 Hawaiian cultural specialist because the member
3 possesses substantial experience, expertise, or
4 knowledge of traditional Hawaiian customs and
5 practices; and

6 (4) Two members, each of whom shall be a resident of
7 either the Ewa or Waianae district; provided that one
8 member appointed pursuant to this paragraph shall be
9 appointed from a list of not fewer than three
10 prospective appointees submitted by the mayor of the
11 City and County of Honolulu.

12 The term of members appointed pursuant to paragraphs (1)
13 and (2) shall be the entire period that those individuals meet
14 the qualifications established by this subsection. The term of
15 members appointed pursuant to paragraphs (3) and (4) shall be
16 for four years, to commence on July 1 and to expire on June 30;
17 provided that the governor may reduce the terms of those
18 initially appointed so as to provide, as nearly as can be, for
19 the expiration of an equal number of terms at intervals of two
20 years. No person appointed pursuant to paragraph (4) shall be
21 appointed to more than two consecutive terms or serve as a
22 member of the authority for more than eight consecutive years.



1 (c) Any member appointed pursuant to this section whose
2 term has expired and who is not disqualified for membership
3 under subsection (b) may continue in office as a holdover member
4 until a successor is appointed; provided that a holdover member
5 shall not hold office beyond the end of the second regular
6 legislative session following the expiration of the member's
7 term of office.

8 (d) A vacancy in a membership authorized by this section
9 shall be filled in the same manner as the original appointment
10 as specified in subsection (b); provided that the vacancy shall
11 be filled with a person who meets the same qualifications as the
12 vacating member.

13 (e) The governor may remove or suspend for cause any
14 member appointed pursuant to this section after due notice and
15 public hearing."

16 SECTION 2. Section 206E-3, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "(b) The authority shall consist of thirteen voting
19 members. The director of finance[7]; the director of business,
20 economic development, and tourism[7]; the comptroller[7]; and
21 the director of transportation, or their respective designated
22 representatives, shall serve as ex officio, voting members. One



1 member shall be appointed by the governor from a list of not
2 ~~[less]~~ fewer than three prospective appointees submitted by the
3 president of the senate~~[,]~~ and one member shall be appointed by
4 the governor from a list of not less than three prospective
5 appointees submitted by the speaker of the house of
6 representatives. Seven members shall be appointed by the
7 governor for staggered terms pursuant to section 26-34~~[,]~~
8 ~~provided that four~~]. Four of these seven members shall be
9 appointed at large and, initially, three members, hereinafter
10 referred to as county members, shall be selected from a list of
11 ten prospective appointees recommended by the local governing
12 body of the county in which the initial designated district is
13 situated~~[, and provided further that when vacancies occur]~~.
14 Each time a vacancy occurs in any of the three county members'
15 positions ~~[for which the members were selected from a list of~~
16 ~~county recommendations]~~, the governor shall fill ~~[such vacancies~~
17 ~~on the basis of one from a list of four recommendations, two~~
18 ~~from a list of seven recommendations, or three from a list of~~
19 ~~ten recommendations. The list of recommendations shall be made~~
20 ~~by the local governing body of the county.]~~ each vacancy as
21 follows:



1 (1) A singly occurring vacancy shall be filled from a list
2 of four nominees submitted by the local governing body
3 of the county in which the initial designated district
4 is situated;

5 (2) Two co-occurring vacancies shall be filled from a list
6 of seven nominees submitted by the local governing
7 body of the county in which the initial designated
8 district is situated; and

9 (3) Three co-occurring vacancies shall be filled from a
10 list of ten nominees submitted by the local governing
11 body of the county in which the initial designated
12 district is situated.

13 ~~Of the nine [members appointed either by the governor from the~~
14 ~~lists provided by the president of the senate and speaker of the~~
15 ~~house, at large by the governor, or as county members~~
16 ~~recommended by the local governing body of the county in which~~
17 ~~the initial designated district is situated,~~] appointed members
18 of the authority, at least two members shall represent small
19 businesses and shall be designated as the small business
20 representatives on the [~~board whose~~] authority. The purpose[~~7~~]
21 of the small business representatives, among other things, is to
22 vote on matters before the [~~board~~] authority that affect small



1 businesses. ~~[The]~~ Each small business ~~[representatives]~~
2 representative shall be ~~[owners]~~ an owner or active ~~[managers]~~
3 manager of a small business with its principal place of
4 operation located within the physical boundaries of the initial
5 designated district. Notwithstanding section 84-14(a), the
6 small business representatives shall not be prohibited from
7 voting on any matter concerning any district under the board's
8 jurisdiction; provided that the matter is not limited to solely
9 benefiting the specific interest of that member; and provided
10 further that the matter concerns broader interests within the
11 district. If an additional district is designated by the
12 legislature, the total membership of the authority shall be
13 increased ~~[as prescribed above]~~ by the appointment of three
14 additional members~~[-]~~ according to the process described above
15 except as provided ~~[for]~~ in section ~~[206E-191-]~~ 206E-_____.
16 Notwithstanding section 92-15, a majority of all members shall
17 constitute a quorum to do business, and the concurrence of a
18 majority of all members shall be necessary to make any action of
19 the authority valid; except that, on any matter relating solely
20 to a specific community development district, the members
21 representing districts other than that specific community
22 development district shall neither vote, nor shall they be



1 counted to constitute a quorum, and concurrence shall be
2 required of a majority of that portion of the authority made up
3 of all ex officio voting members, members at large, and county
4 and district members representing the district for which action
5 is being proposed for such action to be valid. All members
6 shall continue in office until their respective successors have
7 been appointed and qualified. Except as [~~herein~~] provided[7] in
8 this section for ex-officio members, no member appointed under
9 this subsection shall be an officer or employee of the State or
10 its political subdivisions.

11 For [{}purposes{}] of this section, "small business" means
12 a business which is independently owned and which is not
13 dominant in its field of operation."

14 SECTION 3. Section 206E-191, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~[{}]~~**\$206E-191[{}]** **Barbers Point Naval Air Station**
17 **redevelopment; power to redevelop established.** (a) The Hawaii
18 community development authority shall be the designated agency
19 of the State to implement this part.

20 (b) The authority shall act as the local redevelopment
21 authority to facilitate the redevelopment of Barbers Point Naval
22 Air Station in accordance with the Barbers Point Naval Air



1 Station community reuse plan. In addition to any other duties
2 that the authority may have pursuant to this chapter, the
3 authority's duties shall include but not be limited to:

- 4 (1) Coordinating with the Navy and other entities during
5 the conveyance of properties and conducting
6 remediation activities for the Barbers Point Naval Air
7 Station community reuse plan;
- 8 (2) Assisting landholders designated by the plan to market
9 their properties and process conveyance requests;
- 10 (3) Working with the Navy and others to ensure that
11 infrastructure support is provided to the existing
12 developed area, referred to as the ["]downtown
13 area["], and other federally retained areas;
- 14 (4) Developing the infrastructure necessary to support the
15 implementation of the Barbers Point Naval Air Station
16 community reuse plan; and
- 17 (5) Providing, to the extent feasible, maximum opportunity
18 for the reuse of surplus property by private
19 enterprise or state and county government.

20 ~~[(c) Five additional voting members shall, except as~~
21 ~~otherwise provided in this subsection, be appointed to the~~
22 ~~authority by the governor to represent the Kalaeloa community~~



~~development district. These members shall be considered in determining quorum and majority only on issues relating to the Kalaeloa community development district, and may vote only on issues relating to the Kalaeloa community development district.~~

~~These members shall consist of:~~

~~(1) The chairperson of the Hawaiian homes commission;~~

~~(2) The director of the city and county of Honolulu department of planning and permitting;~~

~~(3) Two members representing the surrounding community for a term pursuant to section 26-34, one of which shall be selected by the mayor of the city and county of Honolulu; and~~

~~(4) One member who is a Hawaiian cultural specialist.]"~~

SECTION 4. The residency requirements established by section 1 of this Act for representatives of the Kalaeloa community development district to the Hawaii community development authority shall be applicable immediately upon the effective date of this Act. Any person serving a current and unexpired term pursuant to section 206E-191, Hawaii Revised Statutes, who does not meet the requirements of paragraph 206E- (b) (4), Hawaii Revised Statutes, as established by this Act, shall be ineligible to serve on the Hawaii community



1 development authority as of the effective date of this Act and
2 shall be replaced by a successor appointed pursuant to section
3 206E- , Hawaii Revised Statutes, as soon as practicable,
4 notwithstanding the commencement date of July 1 that would
5 otherwise be applicable. Notwithstanding sections 206E-3(b) and
6 206E- (c), Hawaii Revised Statutes, a member who is rendered
7 ineligible to serve pursuant to this measure shall not continue
8 in office until the member's successor has been appointed.

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

11 SECTION 6. This Act shall take effect upon its approval.
12

INTRODUCED BY:

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S.B. NO. 2509

Report Title:

Hawaii Community Development Authority; Kalaeloa Community Development District

Description:

Clarifies residency requirements for community representatives of the Kalaeloa Community Development District to the Hawaii Community Development Authority. Makes conforming amendments.

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

