

JAN 22 2021

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# 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. Section 206E-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3           "(b) The authority shall consist of the director of  
4 finance or the director's designee; the director of  
5 transportation or the director's designee; a cultural  
6 specialist; an at-large member; an at-large member nominated by  
7 the ~~[senate]~~ president~~[+]~~ of the senate; an at-large member  
8 nominated by the speaker of the house~~[+]~~ of representatives;  
9 three representatives of the Heeia community development  
10 district, comprising two residents of that district or the  
11 Koolaupoko district, which consists of sections 1 through 9 of  
12 zone 4 of the first tax map key division, and one owner of a  
13 small business or one officer or director of a nonprofit  
14 organization in the Heeia community development district or  
15 Koolaupoko district ~~[, nominated by the county council of the~~  
16 ~~county in which the Heeia community development district is~~  
17 ~~located]~~; three representatives of the Kalaeloa community



1 development district, comprising two residents of the Ewa zone  
2 (zone 9, sections 1 through 2) or the Waianae zone (zone 8,  
3 sections 1 through 9) of the first tax map key division, and one  
4 owner of a small business or one officer or director of a  
5 nonprofit organization in the Ewa or Waianae zone [~~7, nominated by~~  
6 ~~the county council of the county in which the Kalaeloa community~~  
7 ~~development district is located~~]; three representatives of the  
8 Kakaako community development district, comprising two residents  
9 of the district and one owner of a small business or one officer  
10 or director of a nonprofit organization in the district [~~7~~  
11 ~~nominated by the county council of the county in which the~~  
12 ~~Kakaako community development district is located~~]; the director  
13 of planning and permitting of each county in which a community  
14 development district is located or the director's designee, who  
15 shall serve in an ex officio, nonvoting capacity; and the  
16 chairperson of the Hawaiian homes commission or the  
17 chairperson's designee, who shall serve in an ex officio,  
18 nonvoting capacity.

19 All members except the director of finance, director of  
20 transportation, county directors of planning and permitting, and  
21 chairperson of the Hawaiian homes commission or their designees



1 shall be appointed by the governor pursuant to section 26-34.  
2 The two at-large members nominated by the [~~senate~~] president of of  
3 the senate and speaker of the house [~~and the nine~~  
4 ~~representatives of the respective community development~~  
5 ~~districts~~] of representatives shall each be appointed by the  
6 governor from a list of [~~three~~] two nominees submitted for each  
7 position by the nominating authority specified in this  
8 subsection. The president of the senate and the speaker of the  
9 house of representatives shall each submit a list of nine  
10 nominees to the governor to fill the three district  
11 representative positions on each community development  
12 district. Of the three nominees for each community development  
13 district, two nominees shall meet the district residency  
14 requirement, and one nominee shall meet the district small  
15 business owner or nonprofit organization officer or director  
16 requirement. For each community development district, the  
17 governor shall appoint one member from a list of nominees  
18 submitted by the president of the senate, one member from a list  
19 of nominees submitted by the speaker of the house of  
20 representatives, and one member to fill the remaining  
21 representative position required by this subsection.



1           The authority shall be organized and shall exercise  
2 jurisdiction as follows:

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

7           (A) The director of finance or the director's  
8 designee;

9           (B) The director of transportation or the director's  
10 designee;

11           (C) The cultural specialist;

12           (D) The three at-large members; and

13           (E) The three representatives of the Heeia community  
14 development district;

15 provided that the director of planning and permitting  
16 of the relevant county or the director's designee  
17 shall participate in these matters as an ex officio,  
18 nonvoting member and shall not be considered in  
19 determining quorum and majority;

20           (2) For matters affecting the Kalaeloa community  
21 development district, the following members shall be



1 considered in determining quorum and majority and  
2 shall be eligible to vote:

3 (A) The director of finance or the director's  
4 designee;

5 (B) The director of transportation or the director's  
6 designee;

7 (C) The cultural specialist;

8 (D) The three at-large members; and

9 (E) The three representatives of the Kalaeloa  
10 community development district;

11 provided that the director of planning and permitting  
12 of the relevant county and the chairperson of the  
13 Hawaiian homes commission, or their respective  
14 designees, shall participate in these matters as ex  
15 officio, nonvoting members and shall not be considered  
16 in determining quorum and majority;

17 (3) For matters affecting the Kakaako community  
18 development district, the following members shall be  
19 considered in determining quorum and majority and  
20 shall be eligible to vote:



- 1 (A) The director of finance or the director's
- 2 designee;
- 3 (B) The director of transportation or the director's
- 4 designee;
- 5 (C) The cultural specialist;
- 6 (D) The three at-large members; and
- 7 (E) The three representatives of the Kakaako
- 8 community development district;
- 9 provided that the director of planning and permitting
- 10 of the relevant county or the director's designee
- 11 shall participate in these matters as an ex officio,
- 12 nonvoting member and shall not be considered in
- 13 determining quorum and majority.

14 In the event of a vacancy, a member shall be appointed to  
15 fill the vacancy in the same manner as the original appointment  
16 within thirty days of the vacancy or within ten days of the  
17 senate's rejection of a previous appointment, as applicable.

18 The terms of the director of finance, director of  
19 transportation, county directors of planning and permitting, and  
20 chairperson of the Hawaiian homes commission or their respective  
21 designees shall run concurrently with each official's term of



1 office. The terms of the appointed voting members shall be for  
2 four years, commencing on July 1 and expiring on June 30;  
3 provided that the initial terms of all voting members initially  
4 appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall  
5 commence on March 1, 2015. The governor shall provide for  
6 staggered terms of the initially appointed voting members so  
7 that the initial terms of four members selected by lot shall be  
8 for two years, the initial terms of four members selected by lot  
9 shall be for three years, and the initial terms of the remaining  
10 five members shall be for four years.

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

13 Notwithstanding section 92-15, a majority of all eligible  
14 voting members as specified in this subsection shall constitute  
15 a quorum to do business, and the concurrence of a majority of  
16 all eligible voting members as specified in this subsection  
17 shall be necessary to make any action of the authority valid.  
18 All members shall continue in office until their respective  
19 successors have been appointed and qualified. Except as herein  
20 provided, no member appointed under this subsection shall be an  
21 officer or employee of the State or its political subdivisions.



1 For purposes of this section, "small business" means a  
2 business [~~which~~] that is independently owned and [~~which~~] that is  
3 not dominant in its field of operation."

4 SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval;  
7 provided that the existing representatives of the Heeia  
8 community development district, Kalaeloa community development  
9 district, and Kakaako community development district shall  
10 continue to serve until the expiration of their respective  
11 terms.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Supina", is written over a horizontal line.

# S.B. NO. 800

**Report Title:**

Hawaii Community Development Authority; Nomination and Appointment of Representative Members

**Description:**

Removes county councils as the nominating authority for members of the HCDA who serve as representatives of the Heeia, Kalaeloa, and Kakaako community development districts. Provides that the president of the senate and the speaker of the house of representatives shall each nominate representatives of each of the three community development districts.

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

