

JAN 21 2022

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

4           "PART           .   PULEHUNUI COMMUNITY DEVELOPMENT DISTRICT

5           §206E-       **Purposes; findings.** The legislature finds that  
6 public lands in Pulehunui, Maui, are underutilized.

7 Redeveloping, renovating, or improving these public lands to  
8 provide suitable recreational, residential, educational,  
9 industrial, governmental, and commercial areas where the public  
10 can live, congregate, recreate, attend schools, and shop as part  
11 of a thoughtfully integrated experience is in the best interest  
12 of the State.

13          §206E-       **Definitions.** As used in this part:

14          "District" means the Pulehunui community development  
15 district.

16          "Fund" means the Pulehunui community development special  
17 fund.



1           **§206E- District established; boundaries.** (a) The  
2 Pulehunui community development district is hereby established  
3 under the authority.

4           (b) The authority shall serve as the local redevelopment  
5 agency for the district.

6           (c) The district shall be comprised of the following  
7 properties:

- 8           (1) TMK 2-3-8-008-001;
- 9           (2) TMK 2-3-8-008-007;
- 10           (3) TMK 2-3-8-008-037; and
- 11           (4) TMK 2-3-8-008-038.

12           **§206E- Development policies.** The following development  
13 policies shall guide the authority in the district:

- 14           (1) Archaeological, historical, and cultural sites shall  
15           be preserved and protected in accordance with chapter  
16           6E;
- 17           (2) Endangered species of flora and fauna shall be  
18           preserved to the extent required by law;
- 19           (3) Land use and development activities within the  
20           district shall be coordinated with and, to the extent  
21           possible, complement existing county and state



1 policies, plans, and programs affecting the district;  
2 and

3 (4) Public facilities within the district shall be  
4 planned, located, and developed to support the  
5 development policies established by this part and any  
6 rules adopted pursuant to this part.

7 §206E- Financial aid from the federal government;

8 contracts with the federal government. (a) The authority may  
9 secure financial aid from the federal government for any  
10 planning, design, development, construction, and maintenance  
11 work that the authority is authorized to undertake.

12 (b) In addition, and supplemental to the powers granted to  
13 the authority under section 206E-4, Hawaii Revised Statutes, the  
14 authority may:

15 (1) Borrow moneys or accept grants from the federal  
16 government in aid of or for any development project  
17 the authority is authorized to undertake pursuant to  
18 this part;

19 (2) Issue bonds or other evidence of indebtedness and  
20 pledge revenues and other assets as security for  
21 indebtedness incurred pursuant to this part;



1           (3) Repay any indebtedness, including any interest  
2           incurred thereon by the authority pursuant to this  
3           part;

4           (4) Procure insurance or loan guarantees from the federal  
5           government for the payment of any debts or parts  
6           thereof secured by mortgages made by or held by the  
7           authority;

8           (5) Execute contracts with the federal government in  
9           accordance with this part; and

10          (6) Comply with terms and conditions required by the  
11          federal government in any contract or grant for  
12          federal assistance.

13          (c) It is the purpose and intent of this section to  
14 authorize the authority to do all things necessary to secure the  
15 cooperation of and financial aid from the federal government for  
16 any planning, design, development, construction, and maintenance  
17 work that the authority is authorized to undertake pursuant to  
18 this part.

19          §206E-       Pulehunui community development district special  
20 fund. (a) There is established in the state treasury the



1 Pulehunui community development special fund, into which shall  
2 be deposited:

3 (1) All revenues, income, and receipts of the authority  
4 for the district;

5 (2) Moneys directed, allocated, or disbursed to the  
6 district from government agencies or private  
7 individuals or organizations, including grants, gifts,  
8 awards, donations, and assessments of landowners for  
9 costs to administer and operate the district; and

10 (3) Moneys appropriated to the fund by the legislature.

11 (b) Moneys in the fund shall be used only for the purposes  
12 of this part.

13 (c) Investment earnings credited to the assets of the fund  
14 shall become assets of the fund.

15 **§206E- Annual comprehensive report.** No less than twenty  
16 days prior to the convening of each regular session, the  
17 authority shall submit to the legislature an annual  
18 comprehensive report on the progress of development within the  
19 district.

20 **§206E- Rules; adoption.** The authority may adopt rules  
21 in accordance with chapter 91 to carry out the purposes of this



1 part. Any rules that the authority may adopt on health, safety,  
2 building, planning, zoning, and land use for the district shall  
3 preempt all other inconsistent county ordinances and county  
4 rules relating to the use, zoning, planning, and development of  
5 land and construction within the district."

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

8 "(b) The authority shall consist of the director of  
9 finance or the director's designee; the director of  
10 transportation or the director's designee; the director of the  
11 office of planning and sustainable development or the director's  
12 designee; the director of planning and permitting of each county  
13 in which a community development district is located or the  
14 director's designee; a cultural specialist; [an-at-large  
15 member,] an at-large member nominated by the [~~senate,~~] president  
16 of the senate; an at-large member nominated by the speaker of  
17 the house[+] of representatives; [~~three~~] two representatives of  
18 the Heeia community development district, comprising [~~two~~  
19 ~~residents~~] one resident of that district or the Koolaupoko  
20 district, which consists of sections 1 through 9 of zone 4 of  
21 the first tax map key division, and one owner of a small



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



1 ~~chairperson of the Hawaiian homes commission or the~~  
2 ~~chairperson's designee, who shall serve in an ex officio,~~  
3 ~~nonvoting capacity.]~~ two representatives of the Pulehunui  
4 community development district, consisting of one resident on  
5 the island of Maui, and one owner of a small business or one  
6 officer or director of a nonprofit organization on the island of  
7 Maui.

8 All members except the director of finance, director of  
9 transportation, county directors of planning and permitting, and  
10 ~~[chairperson of the Hawaiian homes commission or their~~  
11 ~~designees]~~ the director of the office of planning and  
12 sustainable development shall be appointed by the governor  
13 pursuant to section 26-34. The two at-large members nominated  
14 by the ~~[senate]~~ president of the senate and speaker of the house  
15 ~~[and the nine representatives of the respective community~~  
16 ~~development districts]~~ of representatives shall each be  
17 appointed by the governor from a list of three nominees  
18 submitted for each position by the nominating authority  
19 specified in this subsection. The president of the senate and  
20 the speaker of the house of representatives shall each submit a  
21 list of six nominees for each district to the governor to fill



1 the two district representative positions on each community  
2 development district, one nominee shall meet the district  
3 residency requirement and one nominee shall meet the district  
4 small business owner or nonprofit organization officer or  
5 director requirement. For each community development district,  
6 the governor shall appoint one member from a list of nominees  
7 submitted by the president of the senate, and one member from a  
8 list of nominees submitted by the speaker of the house of  
9 representatives.

10 The authority shall be organized and shall exercise  
11 jurisdiction as follows:

12 (1) For matters affecting the Heeia community development  
13 district, the following members shall be considered in  
14 determining quorum and majority and shall be eligible  
15 to vote:

16 (A) The director of finance or the director's  
17 designee;

18 (B) The director of transportation or the director's  
19 designee;



- 1            (C) The director of the office of planning and  
2            sustainable development or the director's  
3            designee;
- 4            (D) The director of planning and permitting for the  
5            county in which the Heeia community development  
6            district is located or the director's designee;
- 7            ~~[(C)]~~ (E) The cultural specialist;
- 8            ~~[(D)]~~ (F) The ~~[three]~~ two at-large members; and
- 9            ~~[(E)]~~ (G) The ~~[three]~~ two representatives of the Heeia  
10           community development district;
- 11           ~~[provided that the director of planning and permitting~~  
12           ~~of the relevant county or the director's designee~~  
13           ~~shall participate in these matters as an ex officio,~~  
14           ~~nonvoting member and shall not be considered in~~  
15           ~~determining quorum and majority;]~~
- 16           (2) For matters affecting the Kalaeloa community  
17           development district, the following members shall be  
18           considered in determining quorum and majority and  
19           shall be eligible to vote:
- 20           (A) The director of finance or the director's  
21           designee;



1 (B) The director of transportation or the director's  
2 designee;

3 (C) The director of the office of planning and  
4 sustainable development or the director's  
5 designee;

6 (D) The director of planning and permitting for the  
7 county in which the Kalaeloa community  
8 development district is located or the director's  
9 designee;

10 [~~(C)~~] (E) The cultural specialist;

11 [~~(D)~~] (F) The [~~three~~] two at-large members; and

12 [~~(E)~~] (G) The [~~three~~] two representatives of the  
13 Kalaeloa community development district;

14 [~~provided that the director of planning and permitting~~  
15 ~~of the relevant county and the chairperson of the~~  
16 ~~Hawaiian homes commission, or their respective~~  
17 ~~designees, shall participate in these matters as ex~~  
18 ~~officio, nonvoting members and shall not be considered~~  
19 ~~in determining quorum and majority,]~~

20 (3) For matters affecting the Kakaako 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 director of the office of planning and  
8 sustainable development or the director's  
9 designee;

10 (D) The director of planning and permitting for the  
11 county in which the Kakaako community is located  
12 or the director's designee;

13 [~~(C)~~] (E) The cultural specialist;

14 [~~(D)~~] (F) The three at-large members; and

15 [~~(E)~~] (G) The three representatives of the Kakaako  
16 community development district;

17 ~~[provided that the director of planning and permitting~~  
18 ~~of the relevant county or the director's designee~~  
19 ~~shall participate in these matters as an ex officio,~~  
20 ~~nonvoting member and shall not be considered in~~  
21 ~~determining quorum and majority.] and~~



- 1        (4) For matters affecting the Pulehunui community  
2        development district, the following members shall be  
3        considered in determining quorum and majority and  
4        shall be eligible to vote:
- 5        (A) The director of finance or the director's  
6        designee;
- 7        (B) The director of transportation or the director's  
8        designee;
- 9        (C) The director of the office of planning and  
10       sustainable development or the director's  
11       designee;
- 12       (D) The director of planning and permitting for the  
13       county in which the Pulehunui community  
14       development district is located or the director's  
15       designee;
- 16       (E) The cultural specialist;
- 17       (F) The two at-large members; and
- 18       (G) The two representatives of the Pulehunui  
19       community development district.

20       In the event of a vacancy, a member shall be appointed to  
21       fill the vacancy in the same manner as the original appointment



1 within thirty days of the vacancy or within ten days of the  
2 senate's rejection of a previous appointment, as applicable.

3 The terms of the director of finance, director of  
4 transportation, county directors of planning and permitting, and  
5 ~~[chairperson of the Hawaiian homes commission]~~ the director of  
6 the office of planning and sustainable development or their  
7 respective designees shall run concurrently with each official's  
8 term of office. The terms of the appointed voting members shall  
9 be for four years, commencing on July 1 and expiring on June 30;  
10 provided that the initial terms of all voting members initially  
11 appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall  
12 commence on March 1, 2015. The governor shall provide for  
13 staggered terms of the initially appointed voting members so  
14 that the initial terms of four members selected by lot shall be  
15 for two years, the initial terms of four members selected by lot  
16 shall be for three years, and the initial terms of the remaining  
17 five members shall be for four years.

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

20 Notwithstanding section 92-15, a majority of all eligible  
21 voting members as specified in this subsection shall constitute



# S.B. NO. 2398

1 a quorum to do business, and the concurrence of a majority of  
2 all eligible voting members as specified in this subsection  
3 shall be necessary to make any action of the authority valid.  
4 All members shall continue in office until their respective  
5 successors have been appointed and qualified. Except as herein  
6 provided, no member appointed under this subsection shall be an  
7 officer or employee of the State or its political subdivisions.

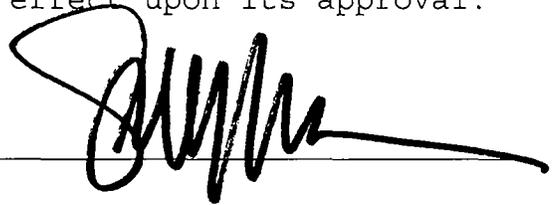
8 For purposes of this section, "small business" means a  
9 business [~~which~~] that is independently owned and [~~which~~] that is  
10 not dominant in its field of operation."

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY: \_\_\_\_\_

A large, stylized handwritten signature in black ink, written over a horizontal line.

# S.B. NO. 2398

**Report Title:**

Pulehunui Community Development District; Hawaii Community Development Authority; Membership

**Description:**

Creates the Pulehunui Community Development District to allow for planning, development, and maintenance of public lands in Pulehunui, Maui. Amends the Hawaii Community Development Authority membership to include the Director of the Office of Planning and Sustainable Development and the Director of the Office of Planning and Permitting of each county, or their designee, in which a community development district is located. Amends community representatives on each board from three to two at-large members. Establishes membership for quorum on matters related to the Pulehunui Community Development District.

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

