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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; the director of  
6 business, economic development, and tourism or the director's  
7 designee; the director of planning and permitting of each county  
8 in which a community development district is located or the  
9 director's designee; a cultural specialist; [~~an at-large~~  
10 ~~member]~~ an at-large member nominated by the [~~senate]~~  
11 president[+] of the senate; an at-large member nominated by the  
12 speaker of the house[+] of representatives; [~~three~~] two  
13 representatives of the Heeia community development district,  
14 comprising [~~two residents~~] one resident of that district or the  
15 Koolaupoko district, which consists of sections 1 through 9 of  
16 zone 4 of the first tax map key division, and one owner of a  
17 small business or one officer or director of a nonprofit



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



1 ~~chairperson's designee, who shall serve in an ex officio,~~  
2 ~~nonvoting capacity].~~

3 All members except the director of finance, director of  
4 transportation, county directors of planning and permitting, and  
5 ~~[chairperson of the Hawaiian homes commission or their~~  
6 ~~designees]~~ the director of business, economic development, and  
7 tourism shall be appointed by the governor pursuant to section  
8 26-34. The two at-large members nominated by the ~~[senate]~~  
9 president of the senate and speaker of the house ~~[and the nine~~  
10 ~~representatives of the respective community development~~  
11 ~~districts]~~ of representatives shall each be appointed by the  
12 governor from a list of ~~[three]~~ two nominees submitted for each  
13 position by the nominating authority specified in this  
14 subsection. The president of the senate and the speaker of the  
15 house of representatives shall each submit a list of three  
16 nominees for each district to the governor to fill the two  
17 district representative positions on each community development  
18 district. Of the nominees for each community development  
19 district, one nominee shall meet the district residency  
20 requirement, and one nominee shall meet the district small  
21 business owner or nonprofit organization officer or director



1 requirement. For each community development district, the  
2 governor shall appoint one member from a list of nominees  
3 submitted by the president of the senate, and one member from a  
4 list of nominees submitted by the speaker of the house of  
5 representatives.

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

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

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

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

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

18 (D) The director of planning and permitting of the  
19 city and county of Honolulu or the director's  
20 designee;

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



1           ~~[(D)]~~ (F) The ~~[three]~~ two at-large members; and  
 2           ~~[(E)]~~ (G) The ~~[three]~~ two representatives of the Heeia  
 3           community development district;

4           ~~[provided that the director of planning and permitting~~  
 5           ~~of the relevant county or the director's designee~~  
 6           ~~shall participate in these matters as an ex officio,~~  
 7           ~~nonvoting member and shall not be considered in~~  
 8           ~~determining quorum and majority;]~~

9           (2) For matters affecting the Kalaeloa community  
 10           development district, the following members shall be  
 11           considered in determining quorum and majority and  
 12           shall be eligible to vote:

13           (A) The director of finance or the director's  
 14           designee;

15           (B) The director of transportation or the director's  
 16           designee;

17           ~~(C) The director of business, economic development,~~  
 18           ~~and tourism or the director's designee;~~

19           ~~(D) The director of planning and permitting of the~~  
 20           ~~city and county of Honolulu or the director's~~  
 21           ~~designee;~~



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

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

3           ~~[(E)]~~ (G) The ~~[three]~~ two representatives of the

4                           Kalaeloa community development district; and

5           ~~[provided that the director of planning and permitting~~

6           ~~of the relevant county and the chairperson of the~~

7           ~~Hawaiian homes commission, or their respective~~

8           ~~designees, shall participate in these matters as ex~~

9           ~~officio, nonvoting members and shall not be considered~~

10           ~~in determining quorum and majority,]~~

11           (3) For matters affecting the Kakaako community

12           development district, the following members shall be

13           considered in determining quorum and majority and

14           shall be eligible to vote:

- 15           (A) The director of finance or the director's
- 16                           designee;
- 17           (B) The director of transportation or the director's
- 18                           designee;
- 19           (C) The director of business, economic development,
- 20                           and tourism or the director's designee;



1            (D) The director of planning and permitting of the  
2            city and county of Honolulu or the director's  
3            designee;

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

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

6            [~~(E)~~] (G) The [~~three~~] two representatives of the  
7            Kakaako community development district[~~;~~

8            ~~provided that the director of planning and permitting~~  
9            ~~of the relevant county or the director's designee~~  
10           ~~shall participate in these matters as an ex officio,~~  
11           ~~nonvoting member and shall not be considered in~~  
12           ~~determining quorum and majority].~~

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

17           The terms of the director of finance, director of  
18           transportation, county directors of planning and permitting, and  
19           [~~chairperson of the Hawaiian homes commission~~] the director of  
20           business, economic development, and tourism, 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.



**Report Title:**

Hawaii Community Development Authority; Nomination and Appointment of Representative Members

**Description:**

Removes county councils as the nominating authority for members of the Hawaii Community Development Authority 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. Adjusts the membership of the Hawaii Community Development Authority. (SD1)

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

