

JAN 26 2022

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# A BILL FOR AN ACT

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RELATING TO THE PULEHUNUI COMMUNITY DEVELOPMENT DISTRICT.

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

1       SECTION 1. The legislature finds that public lands in  
2       Pulehunui, Maui, are underutilized. Redeveloping, renovating,  
3       or improving these public lands to provide suitable  
4       recreational, residential, educational, industrial,  
5       governmental, and commercial areas where the public can live,  
6       congregate, recreate, attend schools, and shop as part of a  
7       thoughtfully integrated experience is in the best interest of  
8       the State.

9       The purpose of this Act is to establish the Pulehunui  
10      community development district.

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

14           "PART     .   PULEHUNUI COMMUNITY DEVELOPMENT DISTRICT

15           §206E-     Definitions. As used in this part:

16           "District" means the Pulehunui community development  
17      district.



"Fund" means the Pulehunui community development special fund.

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

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

(c) The district shall comprise the following properties:

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

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

- (1) Archaeological, historical, and cultural sites shall be preserved and protected in accordance with chapter 6E;
- (2) Endangered species of flora and fauna shall be preserved to the extent required by law;



(3) Land use and development activities within the district shall be coordinated with and, to the extent possible, complement existing county and state policies, plans, and programs affecting the district; and

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

**§206E- Financial aid from the federal government; contracts with the federal government.** (a) the authority may secure financial aid from the federal government for any planning, design, development, construction, and maintenance work that the authority is authorized to undertake.

(b) In addition, and supplemental to the powers granted to the authority under section 206E-4, the authority may:

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



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

4           (3) Repay any indebtedness, including any interest  
5           incurred thereon by the authority pursuant to this  
6           part;

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

11          (5) Execute contracts with the federal government in  
12          accordance with this part; and

13          (6) Comply with terms and conditions required by the  
14          federal government in any contract or grant for  
15          federal assistance.

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



1           **§206E-       Pulehunui community development district special**  
2 **fund.** (a) There is established in the state treasury the  
3 Pulehunui community development special fund into which shall be  
4 deposited:

5           (1) All revenues, income, and receipts of the authority  
6               for the district;

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

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

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

15           (c) Investment earnings credited to the assets of the fund  
16 shall become assets of the fund.

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



1       **§206E- Rules; adoption.** The authority may adopt rules  
2 in accordance with chapter 91 to carry out the purposes of this  
3 part."

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

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



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



1 Pulehunui community development district, consisting of one  
2 resident of the island of Maui and one owner of a small business  
3 or one officer or director of a nonprofit organization on the  
4 island of Maui.

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





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

8       The authority shall be organized and shall exercise  
9 jurisdiction as follows:

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

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

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

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



1        (D) The director of planning and permitting for the  
2        county in which the Heeia community development  
3        district is located or the director's 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 Heeia  
7        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       (2) For matters affecting the Kalaeloa community  
14       development district, the following members shall be  
15       considered in determining quorum and majority and  
16       shall be eligible to vote:

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

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



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

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

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

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

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

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

(3) For matters affecting the Kakaako community  
development district, the following members shall be  
considered in determining quorum and majority and  
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 director of business, economic development,  
6 and tourism or the director's designee;

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

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

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

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

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

19 (4) For matters affecting the Pulehunui community  
20 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 business, economic development,  
8           and tourism or the director's designee;

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

13           (E) The cultural specialist;

14           (F) The two at-large members; and

15           (G) The two representatives of the Pulehunui  
16           community development district.

17           ~~[In the event of]~~ If a vacancy~~[,]~~ occurs, a member shall be  
18 appointed to fill the vacancy in the same manner as the original  
19 appointment within thirty days of the vacancy or within ten days  
20 of the senate's rejection of a previous appointment, as  
21 applicable.



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

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

18       Notwithstanding section 92-15, a majority of all eligible  
19   voting members as specified in this subsection shall constitute  
20   a quorum to do business, and the concurrence of a majority of  
21   all eligible voting members as specified in this subsection



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

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

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY:

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# S.B. NO. 3224

**Report Title:**

HCDA; Pulehunui Community Development District; Community Development District Authority Boards

**Description:**

Establishes the Pulehunui community development district. Establishes community development district authority boards for each community development district. Amends the membership and reassigns certain duties of the Hawaii Community Development Authority to the community development district authority boards.

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

