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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       .    **PANAWEA COMMUNITY DEVELOPMENT DISTRICT**

5           **§206E-       Purposes; findings.** The legislature finds that  
6 public lands in Panaewa, Hawaii, 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 Panaewa community development  
15 district.

16          "Fund" means the Panaewa community development district  
17 special fund.



1           **§206E- District established; boundaries.** (a) The  
2 Panaewa 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 composed of the following  
7 properties:

8           (1) TMK (3) 2-4-049-018;

9           (2) TMK (3) 2-4-049-017;

10          (3) TMK (3) 2-4-049-033;

11          (4) TMK (3) 2-4-049-016; and

12          (5) TMK (3) 2-4-049-032.

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

15          (1) Archaeological, historical, and cultural sites shall  
16 be preserved and protected in accordance with  
17 chapter 6E;

18          (2) Endangered species of flora and fauna shall be  
19 preserved to the extent required by law;

20          (3) Land use and development activities within the  
21 district shall be coordinated with and, to the extent



1 possible, complement existing county and state  
2 policies, plans, and programs affecting the district;  
3 and

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

8 **§206E- Financial aid from the federal government;**

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

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

16 (1) Borrow moneys or accept grants from the federal  
17 government in aid of or for any development project  
18 the authority is authorized to undertake pursuant to  
19 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-       Panaewa community development district special**

2 **fund.** (a) There is established in the state treasury the  
3 Panaewa community development district special fund, into which  
4 shall be 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 later 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 SECTION 2. Section 206E-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§206E-3 Hawaii community development authority;  
4 established. (a) There is established the Hawaii community  
5 development authority, which shall be a body corporate and a  
6 public instrumentality of the State, for the purpose of  
7 implementing this chapter. The authority shall be placed within  
8 the department of business, economic development, and tourism  
9 for administrative purposes.

10 (b) The authority shall consist of [~~the~~]:

11 (1) The director of finance or the director's designee;  
12 [~~the~~]

13 (2) The director of transportation or the director's  
14 designee; [~~the~~]

15 (3) The director of business, economic development, and  
16 tourism or the director's designee; [~~the~~]

17 (4) The chairperson of the board of land and natural  
18 resources; [~~the~~]

19 (5) The director of planning or planning and permitting of  
20 each county in which a community development district  
21 is located or the director's designee; [~~a~~]



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1        (6)   One cultural specialist; [~~an~~]

2        (7)   One at-large member nominated by the president of the  
3        senate; [~~an~~]

4        (8)   One at-large member nominated by the speaker of the  
5        house of representatives; [~~two~~]

6        (9)   Two representatives of the Heeia community development  
7        district, [~~comprising one~~] consisting of:

8        (A)   One resident of that district or the Koolaupoko  
9        district, which consists of sections 1 through 9  
10       of zone 4 of the first tax map key division[~~7~~];  
11       and [~~one~~]

12       (B)   One owner of a small business or one officer or  
13       director of a nonprofit organization in the Heeia  
14       community development district or Koolaupoko  
15       district; [~~two~~]

16       (10) Two representatives of the Kalaeloa community  
17       development district, [~~comprising one~~] consisting of:

18       (A)   One resident of the Ewa zone (zone 9, sections 1  
19       through 2) or the Waianae zone (zone 8, sections  
20       1 through 9) of the first tax map key  
21       division[~~7~~]; and [~~one~~]





1        (c) All members except the director of finance, director  
2 of transportation, county directors of planning or planning and  
3 permitting, director of business, economic development, and  
4 tourism, chairperson of the board of land and natural resources,  
5 or their respective designees shall be appointed by the governor  
6 pursuant to section 26-34.

7        The two at-large members nominated by the president of the  
8 senate and speaker of the house of representatives shall each be  
9 invited to serve and appointed by the governor from a list of  
10 three nominees submitted for each position [~~nominating authority~~  
11 ~~specified in this~~] pursuant to subsection[~~-~~] (b).

12        The president of the senate and the speaker of the house of  
13 representatives shall each submit a list of six nominees for  
14 each district to the governor to fill the two district  
15 representative positions for each community development  
16 district. For each community development district, the governor  
17 shall appoint one member from a list of nominees submitted by  
18 the president of the senate and one member from a list of  
19 nominees submitted by the speaker of the house of  
20 representatives, and of the two appointees, one shall meet the  
21 district residency requirement and one shall meet the district



1 small business owner or nonprofit organization officer or  
2 director requirement.

3 (d) The authority shall be organized and shall exercise  
4 jurisdiction as follows:

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

9 (A) The director of finance or the director's  
10 designee;

11 (B) The director of transportation or the director's  
12 designee;

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

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

18 (E) The cultural specialist;

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

20 (G) The two representatives of the Heeia community  
21 development district;



- 1           (2) For matters affecting the Kalaeloa 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 business, economic development,  
10          and tourism or the director's designee;
  - 11          (D) The director of planning and permitting for the  
12          county in which the Kalaeloa community  
13          development district is located or the director's  
14          designee;
  - 15          (E) The cultural specialist;
  - 16          (F) The two at-large members; and
  - 17          (G) The two representatives of the Kalaeloa community  
18          development district;
- 19          (3) For matters affecting the Kakaako 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 Kakaako community development  
11 district is located or the director's designee;

12 (E) The cultural specialist;

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

14 (G) The two representatives of the Kakaako community  
15 development district; ~~and~~

16 (4) For matters affecting the Pulehunui 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 business, economic development,
- 4 and tourism or the director's designee;
- 5 (D) The director of planning for the county in which
- 6 the Pulehunui community development district is
- 7 located or the director's designee;
- 8 (E) The chairperson of the board of land and natural
- 9 resources or the chairperson's designee;
- 10 (F) The cultural specialist;
- 11 (G) The two at-large members; and
- 12 (H) The two representatives of the Pulehunui
- 13 community development district[+]; and
- 14 (5) For matters affecting the Panaewa community
- 15 development district, the following members shall be
- 16 considered in determining quorum and majority and
- 17 shall be eligible to vote:
- 18 (A) The director of finance or the director's
- 19 designee;
- 20 (B) The director of transportation or the director's
- 21 designee;



- 1           (C) The director of business, economic development,
- 2           and tourism or the director's designee;
- 3           (D) The director of planning for the county in which
- 4           the Panaewa community development district is
- 5           located or the director's designee;
- 6           (E) The chairperson of the board of land and natural
- 7           resources or the chairperson's designee;
- 8           (F) The cultural specialist;
- 9           (G) The two at-large members; and
- 10          (H) The two representatives of the Panaewa community
- 11          development district.

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

17          (f) The terms of the director of finance; director of  
18 transportation; county directors of planning and permitting;  
19 director of business, economic development, and tourism; and  
20 chairperson of the board of land and natural resources; or their

1 respective designees shall run concurrently with each official's  
2 term of office.

3       The terms of the appointed voting members shall be for four  
4 years, commencing on July 1 and expiring on June 30. The  
5 governor shall provide for staggered terms of the initially  
6 appointed voting members so that the initial terms of four  
7 members selected by lot shall be for two years, the initial  
8 terms of four members selected by lot shall be for three years,  
9 and the initial terms of the remaining three members shall be  
10 for four years.

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

13       (g) Notwithstanding section 92-15, a majority of all  
14 eligible voting members as specified in [~~this~~] subsection (d)  
15 shall constitute a quorum to do business, and the concurrence of  
16 a majority of all eligible voting members as specified in [~~this~~]  
17 subsection (d) shall be necessary to make any action of the  
18 authority valid. All members shall continue in office until  
19 their respective successors have been appointed and qualified.  
20 Except as herein provided, no member appointed under this



1 ~~[subsection]~~ section shall be an officer or employee of the  
2 State or its political subdivisions.

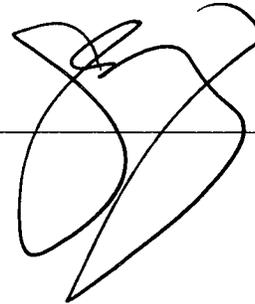
3 (h) For purposes of this section, "small business" means a  
4 business that is independently owned and that is not dominant in  
5 its field of operation."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

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

9

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

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends to the right, crossing the horizontal line of the signature line.

# S.B. NO. 2766

**Report Title:**

Panaewa Community Development District; Hawaii Community Development Authority; Establishment

**Description:**

Establishes the Panaewa community development district to allow for planning, development, and maintenance of public lands in Panaewa, Hawaii. Amends membership of the Hawaii community development authority to include representatives of the Panaewa 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.*

