
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 district
17 special 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 comprise the following properties:

7 (1) TMK 2-3-8-008-001;

8 (2) TMK 2-3-8-008-007;

9 (3) TMK 2-3-8-008-037; and

10 (4) TMK 2-3-8-008-038.

11 **§206E- Development policies.** The following development
12 policies shall guide the authority in the district:

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

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

18 (3) Land use and development activities within the
19 district shall be coordinated with and, to the extent
20 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 section and
6 any 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 pursuant to
12 this part.

13 (b) In addition, and supplemental to the powers granted to
14 the authority under section 206E-4, the 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 district special fund, into
2 which shall 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 later than
16 twenty 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.



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 chairperson of the board of land and natural
11 resources; the director of planning or planning and permitting
12 of each county in which a community development district is
13 located or the director's designee; a cultural specialist; [an
14 at-large member;] an at-large member nominated by the [senate]
15 president[+] of the senate; an at-large member nominated by the
16 speaker of the house[; ~~three~~] of representatives; two
17 representatives of the Heeia community development district,
18 comprising [~~two residents~~] one resident of that district or the
19 Koolaupoko district, which consists of sections 1 through 9 of
20 zone 4 of the first tax map key division, and one owner of a
21 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.];~~ and two representatives of the Pulehunui
3 community development district, consisting of one resident of
4 the island of Maui, and one owner of a small business or one
5 officer or director of a nonprofit organization on the island of
6 Maui.

7 All members except the director of finance, director of
8 transportation, county directors of planning or planning and
9 permitting, [~~and chairperson of the Hawaiian homes commission or~~
10 ~~their designees]~~ director of business, economic development, and
11 tourism, chairperson of the board of land and natural resources,
12 or their respective designees 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 invited
17 to serve and appointed by the governor from a list of three
18 nominees submitted for each position by the nominating authority
19 specified in this subsection.

20 The president of the senate and the speaker of the house of
21 representatives shall each submit a list of six nominees for



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

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

13 (1) For matters affecting the Heeia community development
14 district, the following members shall be considered in
15 determining quorum and majority and shall be eligible
16 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;



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

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

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

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

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

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

15 (2) For matters affecting the Kalaeloa community
16 development district, the following members shall be
17 considered in determining quorum and majority and
18 shall be eligible to vote:

19 (A) The director of finance or the director's
20 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 and permitting for the
6 county in which the Kalaeloa community
7 development district is located or the director's
8 designee;
- 9 [+C] (E) The cultural specialist;
- 10 [+D] (F) The [three] two at-large members; and
- 11 [+E] (G) The [three] two representatives of the
12 Kalaeloa community development district;
- 13 ~~[provided that the director of planning and permitting~~
14 ~~of the relevant county and the chairperson of the~~
15 ~~Hawaiian homes commission, or their respective~~
16 ~~designees, shall participate in these matters as ex~~
17 ~~officio, nonvoting members and shall not be considered~~
18 ~~in determining quorum and majority;]~~
- 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 [~~C~~] (E) The cultural specialist;

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

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

16 [~~provided that the director of planning and permitting~~
17 ~~of the relevant county or the director's designee~~
18 ~~shall participate in these matters as an ex officio,~~
19 ~~nonvoting member and shall not be considered in~~
20 ~~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 business, economic development,
- 10 and tourism or the director's designee;
- 11 (D) The director of planning for the county in which
- 12 the Pulehunui community development district is
- 13 located or the director's designee;
- 14 (E) The chairperson of the board of land and natural
- 15 resources or the chairperson's designee;
- 16 (F) The cultural specialist;
- 17 (G) The two at-large members; and
- 18 (H) 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~~[7]~~; director of
4 transportation~~[7]~~; county directors of planning and permitting~~[7]~~
5 ~~and chairperson of the Hawaiian homes commission];~~ director of
6 business, economic development, and tourism; and chairperson of
7 the board of land and natural resources; or their respective
8 designees shall run concurrently with each official's term of
9 office. The terms of the appointed voting members shall be for
10 four years, commencing on July 1 and expiring on June 30~~[7]~~
11 ~~provided that the initial terms of all voting members initially~~
12 ~~appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall~~
13 ~~commence on March 1, 2015]~~. The governor shall provide for
14 staggered terms of the initially appointed voting members so
15 that the initial terms of four members selected by lot shall be
16 for two years, the initial terms of four members selected by lot
17 shall be for three years, and the initial terms of the remaining
18 [~~five~~] three members shall be for four years.

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



1 Notwithstanding section 92-15, a majority of all eligible
2 voting members as specified in this subsection shall constitute
3 a quorum to do business, and the concurrence of a majority of
4 all eligible voting members as specified in this subsection
5 shall be necessary to make any action of the authority valid.
6 All members shall continue in office until their respective
7 successors have been appointed and qualified. Except as herein
8 provided, no member appointed under this subsection shall be an
9 officer or employee of the State or its political subdivisions.

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

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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



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 business, economic development, and tourism; chairperson of the board of land and natural resources; and director of the office of planning or planning and permitting of each county, or their respective designees, 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. (HD2)

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

