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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 two new sections to part I to be appropriately  
3 designated and to read as follows:

4           "§206E-     Community and public notice requirements;  
5 posting on the authority's website; required. The authority  
6 shall adopt community and public notice procedures pursuant to  
7 chapter 91 that shall include, at a minimum:

8           (1) A means by which to effectively engage the community  
9           in which the authority is planning a development  
10           project to ensure that community concerns are received  
11           and considered by the authority;

12           (2) The posting of authority's proposed plans for  
13           development of community development districts, public  
14           hearing notices, and minutes of its proceedings on the  
15           authority's website; and

16           (3) Any other information that the public may find useful  
17           so that it may meaningfully participate in the  
18           authority's decision making processes.



1           §206E-     Public hearing for decision making; separate  
2 hearing required.   The authority, when rendering a decision  
3 regarding;

4           (1) An amendment to any of the authority's community  
5           development rules established pursuant to chapter 91  
6           and section 206E-7; or

7           (2) The acceptance of a developer's proposal to develop  
8           lands under the authority's control;

9 shall render its decision at a public hearing separate from the  
10 hearing in which a proposal under paragraphs (1) or (2) was  
11 presented. The authority shall issue a public notice in  
12 accordance with section 1-28.5 and post the notice on its  
13 website; provided that the decision making hearing shall not  
14 occur earlier than five business days after the notice is  
15 posted. Prior to rendering a decision, the authority shall  
16 provide the general public with the opportunity to testify at  
17 its decision making hearing."

18           SECTION 2. Section 206E-5, Hawaii Revised Statutes, is  
19 amended by amending subsections (e) and (f) to read as follows:

20           "(e) The authority shall hold a public hearing on a  
21 proposed community development plan pursuant to chapter 91 and,  
22 after consideration of comments received and appropriate



1 revision, shall submit the community development plan and a  
2 proposed concurrent resolution that summarizes the community  
3 development plan and recommends its adoption to the [governor]  
4 legislature for the [governor's approval.] legislature's  
5 consideration. The community development plan shall be  
6 considered approved if both houses of the legislature adopt the  
7 concurrent resolution recommending the community development  
8 plan's adoption.

9 After the legislature's approval, the governor shall submit  
10 to the legislature requests for appropriations, authorization to  
11 issue bonds, or both, to implement the community development  
12 plan in an orderly, affordable, and feasible manner. The  
13 governor shall submit the requests to the legislature as part of  
14 the executive budget or supplemental budget, as appropriate. In  
15 addition to the information, data, and materials required under  
16 chapter 37, the requests shall be accompanied by:

- 17 (1) Plans, maps, narrative descriptions, and other  
18 appropriate materials on the:
- 19 (A) Locations and design of projects or public  
20 facilities proposed to be funded; and
- 21 (B) Phase of the community development plans proposed  
22 to be implemented with the requested funds; and



1           (2) Other information deemed by the [~~governor of~~  
2           ~~significance to the~~] legislature to be of significance  
3           regarding the projects or public facilities proposed  
4           to be funded, including a discussion of the public  
5           benefits intended by, and adverse effects [~~which~~] that  
6           may result from, implementation of the projects or  
7           public facilities.

8           (f) The authority may amend the community development plan  
9           as may be necessary. Amendments shall be made in accordance  
10          with chapter 91[~~-~~] and shall be summarized and submitted to the  
11          legislature in the form of a proposed concurrent resolution for  
12          the legislature's consideration. The community development plan  
13          amendment shall be considered approved if both houses of the  
14          legislature adopt the concurrent resolution recommending the  
15          community development plan amendment's adoption."

16          SECTION 3. Section 206E-16.5, Hawaii Revised Statutes, is  
17          amended to read as follows:

18          "~~[+]§206E-16.5[+]~~ **Expenditures of revolving funds under**  
19          **the authority exempt from appropriation and allotment.** Except  
20          as to administrative expenditures, and except as otherwise  
21          provided by law, expenditures from any revolving fund  
22          administered by the authority may be made by the authority

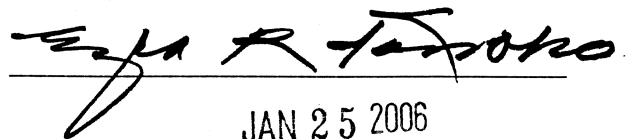


1 without appropriation or allotment of the legislature; provided  
2 that the authority shall not expend any moneys to initiate new  
3 infrastructure projects without an appropriation of the  
4 legislature; and provided further that no expenditure shall be  
5 made from and no obligation shall be incurred against any  
6 revolving fund in excess of the amount standing to the credit of  
7 the fund or for any purpose for which the fund may not lawfully  
8 be expended. Nothing in sections 37-31 to 37-41 shall require  
9 the proceeds of any revolving fund administered by the authority  
10 to be reappropriated annually."

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.  
14

INTRODUCED BY:

  
JAN 25 2006



**Report Title:**

Hawaii Community Development Authority; Public Notice; Oversight

**Description:**

Establishes legislative oversight, review, and approval of the Hawaii community development authority's master planning functions and development of community development districts prior to the expenditure of public funds on development district infrastructure. Requires the authority to post public notice of its proceedings and its meeting minutes on the authority's website.

