
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.
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SB2090

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.

