
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. By establishing the Hawaii community
2 development authority, the legislature sought to provide a
3 mechanism to address vast, unmet community development needs.
4 Specifically, the legislature established the Hawaii community
5 development authority as a "new and comprehensive authority for
6 community development ... to join the strengths of private
7 enterprise, public development and regulation into a new form
8 capable of long-range planning and implementation of improved
9 community development. ... [W]hich shall determine community
10 development programs and cooperate with private enterprise and
11 the various components of federal, state, and county governments
12 in bringing plans to fruition."

13 The Hawaii community development authority consists of
14 thirteen voting members, two of which were added by the
15 legislature in 2006. Provision was made for the appointment of
16 additional voting members representing new community development
17 districts designated by the legislature.



1 It has recently come to the attention of the legislature
2 that at least two members of the Hawaii community development
3 authority who represent small business interests within the
4 Kakaako community development district have been barred from
5 voting on matters concerning the development district in which
6 the greatest concentration of small businesses in Kakaako is
7 located. The stated basis for this position is a purported
8 conflict-of-interest situation arising from the Hawaii community
9 development authority's interpretation of section 84-14(a)(1),
10 Hawaii Revised Statutes. This result is contrary to the
11 legislature's intent in enacting chapter 206E, Hawaii Revised
12 Statutes.

13 It is the purpose of this Act to remedy this unintended
14 result by providing for the designation of at least two members
15 to represent small businesses located in the Kakaako community
16 development district to assure that the purpose of section
17 206E-1, Hawaii Revised Statutes, is met. The designation of
18 these small business representatives would further one of the
19 legislature's stated intentions for forming the Hawaii community
20 development authority which was to address insufficient
21 commercial and industrial facilities for rent.



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

3 "(b) The authority shall consist of thirteen voting
4 members. The director of finance, the director of business,
5 economic development, and tourism, the comptroller, and the
6 director of transportation, or their respective designated
7 representatives shall serve as ex officio, voting members. One
8 member shall be appointed by the governor from a list of not
9 less than three prospective appointees submitted by the
10 president of the senate, and one member shall be appointed by
11 the governor from a list of not less than three prospective
12 appointees submitted by the speaker of the house of
13 representatives. Seven members shall be appointed by the
14 governor for staggered terms pursuant to section 26-34; provided
15 that four members shall be appointed at large and, initially,
16 three members, hereinafter referred to as county members, shall
17 be selected from a list of ten prospective appointees
18 recommended by the local governing body of the county in which
19 the initial designated district is situated; and provided
20 further that when vacancies occur in any of the three positions
21 for which the members were selected from a list of county
22 recommendations, the governor shall fill such vacancies on the



1 basis of one from a list of four recommendations, two from a
2 list of seven recommendations, or three from a list of ten
3 recommendations. The list of recommendations shall be made by
4 the local governing body of the county. Of the nine members
5 appointed either by the governor from the lists provided by the
6 president of the senate and speaker of the house, at-large by
7 the governor, or as county members recommended by the local
8 governing body of the county in which the initial designated
9 district is situated, at least two members shall represent small
10 businesses and shall be designated as the small business
11 representatives on the board whose purpose, among other things,
12 is to vote on matters before the board that affect small
13 businesses. The small business representatives shall be owners
14 or active managers of a small business with its principal place
15 of operation located within the physical boundaries of the
16 initial designated district. Notwithstanding section 84-14(a),
17 the small business representatives shall not be prohibited from
18 voting on a matter concerning any district under the board's
19 jurisdiction; provided that the matter being voted on is not
20 limited to solely benefiting the specific interest of that
21 member and the matter concerns broader interests within the
22 district. If an additional district is designated by the



1 legislature, the total membership of the authority shall be
2 increased as prescribed above by the appointment of three
3 additional members, except as provided for in section 206E-191.
4 Notwithstanding section 92-15, a majority of all members shall
5 constitute a quorum to do business, and the concurrence of a
6 majority of all members shall be necessary to make any action of
7 the authority valid; except that, on any matter relating solely
8 to a specific community development district, the members
9 representing districts other than that specific community
10 development district shall neither vote, nor shall they be
11 counted to constitute a quorum, and concurrence shall be
12 required of a majority of that portion of the authority made up
13 of all ex officio voting members, members at large, and county
14 and district members representing the district for which action
15 is being proposed in order for such action to be valid. All
16 members shall continue in office until their respective
17 successors have been appointed and qualified. Except as herein
18 provided, no member appointed under this subsection shall be an
19 officer or employee of the State or its political subdivisions.

20 For purpose of this section, "small business" means a
21 business which is independently owned and which is not dominant
22 in its field of operation."



1 SECTION 3. On the effective date of this Act, the governor
 2 shall designate, from among existing Hawaii community
 3 development authority members, two of the members eligible
 4 pursuant to section 206E-3, Hawaii Revised Statutes, as amended
 5 by this Act, to serve as small business representatives on the
 6 authority.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon it approval.
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INTRODUCED BY:

Tom Brown

Ride F. K. Abdulla

Gol M.
Karen Luena

PAM

Ray P. Hanover

[Signature]

[Signature]
[Signature]

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[Signature]
Wenmi Snow
Marilyn M. Mays
Cindy Evans
John M. [Signature]



Report Title:

HCDA; Kakaako Small Business Representatives

Description:

Amends chapter 206E, HRS, to designate that at least two members of the HCDA shall be designated as the small business representatives of the HCDA and to provide that these members shall not be prohibited from voting on matters concerning small business in the initial designated district that they represent. Also directs the governor to initially designate the foregoing small business representatives from the existing members of the HCDA.

