

JAN 28 2009

A BILL FOR AN ACT

RELATING TO COMMUNITY DEVELOPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to repeal chapter
2 206E, Hawaii Revised Statutes, relating to the Hawaii community
3 development authority, and to transfer the authority, duties,
4 responsibilities, and jurisdiction of the Hawaii community
5 development authority to the department of land and natural
6 resources, with respect to the Kalaeloa community development
7 district and the public lands in the Kakaako community
8 development district; provided that zoning authority over real
9 property in the Kalaeloa community development district and in
10 the Kakaako community development is transferred to the city and
11 county of Honolulu.

12 This Act also transfers to the department of land and
13 natural resources, the authority, duties, responsibilities and
14 jurisdiction of the Hawaii community development authority and
15 the department of transportation regarding submerged lands and
16 contiguous fast lands necessary for the management, maintenance,



1 and operation of the small boat facilities at Kewalo basin,
2 Oahu.

3 SECTION 2. Upon the effective date of this Act, title to
4 all of the following under the control of the Hawaii community
5 development authority shall be transferred to the department of
6 land and natural resources:

7 (1) Real property within the Kalaeloa community
8 development district that was established by section
9 206E-193, Hawaii Revised Statutes, prior to the
10 enactment of this Act; and

11 (2) Public lands within the Kakaako community development
12 district that was established by section 206E-32,
13 Hawaii Revised Statutes, prior to the enactment of
14 this Act.

15 SECTION 3. Upon the effective date of this Act, zoning
16 authority shall be transferred from the Hawaii community
17 development authority to the city and county of Honolulu for the
18 following:

19 (1) Real property within the Kalaeloa community
20 development district that was established by section
21 206E-193, Hawaii Revised Statutes, prior to the
22 enactment of this Act; and



1 (2) Real property under the control of the Hawaii
2 community development authority which is within the
3 Kakaako community development district that was
4 established by section 206E-32, Hawaii Revised
5 Statutes, prior to the enactment of this Act.

6 SECTION 4. Chapter 200, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§200- Kewalo basin; management. (a) The department of
10 land and natural resources shall have sole jurisdiction and
11 administrative responsibility for the management of all
12 submerged lands and contiguous fast lands necessary for the
13 management, maintenance, and operation of the small boat
14 facilities at Kewalo basin.

15 (b) All lease rents, concessions, fees, and other revenue
16 derived from the operation of the boating facilities at Kewalo
17 basin shall be paid into the boating special fund and expended
18 for purposes set forth in section 200-8."

19 SECTION 5. All rights, powers, functions, and duties of
20 the Hawaii community development authority are transferred to
21 the department of land and natural resources or the city and
22 county of Honolulu, as appropriate.



1 SECTION 6. All appropriations, records, equipment,
2 machines, files, supplies, contracts, books, papers, documents,
3 maps, and other personal property made, used, acquired, or held
4 by:

5 (1) The Hawaii community development authority relating to
6 the functions transferred to the department of land
7 and natural resources or the city and county of
8 Honolulu;

9 (2) The department of transportation with respect to
10 submerged lands and contiguous fast lands necessary
11 for the management, maintenance, and operation of the
12 small boat facilities at Kewalo basin,
13 shall be transferred with the functions to which they relate.

14 SECTION 7. All unencumbered moneys deposited in any
15 revolving or special fund controlled by the Hawaii community
16 development authority shall lapse to the credit of the general
17 fund.

18 SECTION 8. All officers and employees whose functions are
19 transferred by this Act shall be transferred with their
20 functions and shall continue to perform their regular duties
21 upon their transfer, subject to the state personnel laws and
22 this Act.



1 An officer or employee of the State having tenure shall not
2 suffer any loss of salary, seniority, prior service credit,
3 vacation, sick leave, or other employee benefit or privilege as
4 a consequence of this Act. A state officer or employee having
5 tenure may be transferred or appointed to a civil service
6 position as a consequence of this Act without the necessity of
7 examination; provided that the officer or employee possesses the
8 minimum qualifications for the position to which transferred or
9 appointed; and provided that subsequent changes in status may be
10 made pursuant to applicable civil service and compensation laws.

11 An officer or employee of the State who does not have
12 tenure and who may be transferred or appointed to a civil
13 service position as a consequence of this Act shall become a
14 civil service employee without the loss of salary, seniority,
15 prior service credit, vacation, sick leave, or other employee
16 benefits or privileges and without the necessity of examination;
17 provided that the officer or employee possesses the minimum
18 qualifications for the position to which transferred or
19 appointed.

20 If an office or position held by an officer or employee
21 having tenure is abolished as a consequence of this Act, the
22 officer or employee shall not consequently be separated from



1 public employment, but shall remain in the employment of the
2 State or city and county of Honolulu with the same pay and
3 classification and shall be transferred to some other office or
4 position for which the officer or employee is eligible under the
5 personnel laws as determined by the governor or the mayor of the
6 city and county of Honolulu.

7 SECTION 9. All rules, policies, procedures, guidelines,
8 and other material adopted or developed by:

9 (1) The Hawaii community development authority to
10 implement provisions of the Hawaii Revised Statutes
11 and which are reenacted or made applicable to the
12 department of land and natural resources or the city
13 and county of Honolulu by this Act; and

14 (2) The department of transportation with respect to
15 submerged lands and contiguous fast lands necessary
16 for the management, maintenance, and operation of the
17 small boat facilities at Kewalo basin,

18 shall remain in full force and effect until amended or repealed
19 by the board of land and natural resources or the city and
20 county of Honolulu pursuant to chapter 91, Hawaii Revised
21 Statutes. In the interim, every reference to the Hawaii
22 community development authority, the department of



1 transportation, or the director of transportation in those
2 rules, policies, procedures, guidelines, and other material is
3 amended to refer to the department of land and natural
4 resources, the chairperson of the board of land and natural
5 resources, or the city and county of Honolulu, as appropriate.

6 SECTION 10. All deeds, leases, contracts, loans,
7 agreements, permits, or other documents executed or entered into
8 by or on behalf of the Hawaii community development authority or
9 the department of transportation pursuant to the provisions of
10 the Hawaii Revised Statutes that are reenacted or made
11 applicable to the department of land and natural resources or
12 the city and county of Honolulu by this Act, shall remain in
13 full force and effect. Upon the effective date of this Act,
14 every reference to the Hawaii community development authority or
15 the executive director of the Hawaii community development
16 authority, or the department of transportation or the director
17 of transportation therein shall be construed as a reference to
18 the department of land and natural resources, the chairperson of
19 the board of land and natural resources, or the city and county
20 of Honolulu, as appropriate.

21 SECTION 11. The legislative reference bureau shall prepare
22 proposed legislation that substitutes references made to the



1 "Hawaii community development authority" with the "department of
2 land and natural resources", "chairperson of the board of land
3 and natural resources", or the "city and county of Honolulu", as
4 appropriate. The legislative reference bureau shall also
5 prepare proposed legislation that substitutes references to any
6 specific section or part of chapter 206E, Hawaii Revised
7 Statutes, with the correct corresponding references or referring
8 language, as appropriate.

9 The legislative reference bureau shall submit the proposed
10 legislation to the legislature not later than twenty days prior
11 to the convening of the next regular session.

12 SECTION 12. Section 26-18, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The following are placed in the department of
15 business, economic development, and tourism for administrative
16 purposes as defined by section 26-35: Aloha Tower development
17 corporation, [~~Hawaii community development authority,~~] Hawaii
18 housing finance and development corporation, high technology
19 development corporation, land use commission, natural energy
20 laboratory of Hawaii authority, and any other boards and
21 commissions as shall be provided by law.



1 The department of business, economic development, and
2 tourism shall be empowered to establish, modify, or abolish
3 statistical boundaries for cities, towns, or villages in the
4 State and shall publish, as expeditiously as possible, an up-to-
5 date list of cities, towns, and villages after changes to
6 statistical boundaries have been made."

7 SECTION 13. Section 46-102, Hawaii Revised Statutes, is
8 amended by amending the definition of "redevelopment agency" to
9 read as follows:

10 ""Redevelopment agency" or "agency" means an agency defined
11 in section 53-1 [~~or the Hawaii community development authority~~
12 ~~as established pursuant to chapter 206E~~]."

13 SECTION 14. Section 514A-14.5, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) This section shall not apply:

16 (1) To apartments developed under chapter 201H or 356D;

17 (2) To apartments in a mixed-use project that was
18 developed [~~under chapter 206E that~~] by the Hawaii
19 community development authority prior to the enactment
20 of Act _____, Session Laws Hawaii 2009, and that has a
21 shared parking program approved by the Hawaii
22 community development authority prior to the enactment



1 of Act _____, Session Laws Hawaii 2009, provided that
2 [~~such a~~] the program shall require the availability of
3 the use of not less than one parking space per
4 apartment; and

5 (3) To apartments designated in the declaration of
6 condominium property regime for hotel, time share,
7 transient vacation rental, or commercial use."

8 SECTION 15. Chapter 206E, Hawaii Revised Statutes, is
9 repealed.

10 SECTION 16. If any part of this Act is found to be in
11 conflict with federal requirements that are a prescribed
12 condition for the allocation of federal funds to the State, the
13 conflicting part of this Act is inoperative solely to the extent
14 of the conflict and with respect to the agencies directly
15 affected, and this finding does not affect the operation of the
16 remainder of this Act in its application to the agencies
17 concerned. The rules in effect as a result of this Act shall
18 meet federal requirements that are a necessary condition to the
19 receipt of federal funds by the State or the city and county of
20 Honolulu.

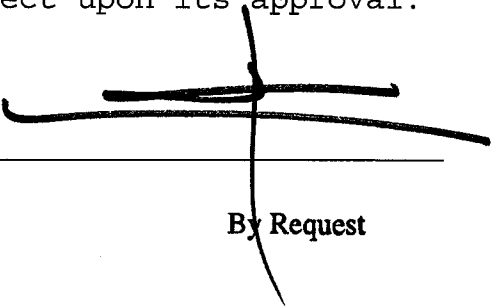
21 SECTION 17. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 18. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

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By Request



Report Title:

Hawaii Community Development Authority; Repeal

Description:

Repeals the Hawaii community development authority and transfers jurisdiction over lands previously under the authority's control.

