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# 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:

6           (1) The department of land and natural resources, with  
7           respect to the Kalaelo community development district  
8           and the portion of the Kakaako community development  
9           district that is makai of Ala Moana boulevard; and

10          (2) The city and county of Honolulu, with respect to the  
11          portion of the Kakaako community development district  
12          that is mauka of Ala Moana boulevard;

13 provided that zoning authority over real property in the  
14 Kalaelo community development district and in the Kakaako  
15 community development, both mauka and makai of Ala Moana  
16 boulevard, is transferred to the city and county of Honolulu.

1           This Act also transfers to the department of land and  
2 natural resources, the authority, duties, responsibilities and  
3 jurisdiction of the Hawaii community development authority and  
4 the department of transportation regarding submerged lands and  
5 contiguous fast lands necessary for the management, maintenance,  
6 and operation of the small boat facilities at Kewalo basin,  
7 Oahu.

8           SECTION 2. Upon the effective date of this Act, title to  
9 all of the following under the control of the Hawaii community  
10 development authority shall be transferred to the department of  
11 land and natural resources:

12           (1) Real property within the Kalaeloa community  
13 development district that was established by section  
14 206E-193, Hawaii Revised Statutes, prior to the  
15 enactment of this Act; and

16           (2) Public lands within the Kakaako community development  
17 district that was established by section 206E-32,  
18 Hawaii Revised Statutes, prior to the enactment of  
19 this Act, and makai of Ala Moana boulevard.

20           SECTION 3. Upon the effective date of this Act, zoning  
21 authority shall be transferred from the Hawaii community

1 development authority to the city and county of Honolulu for the  
2 following:

3 (1) Real property within the Kalaeloa community  
4 development district that was established by section  
5 206E-193, Hawaii Revised Statutes, prior to the  
6 enactment of this Act; and

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

12 SECTION 4. Upon the effective date of this Act, title to  
13 all real property under the control of the Hawaii community  
14 development authority which is within the Kakaako community  
15 development district that was established by section 206E-32,  
16 Hawaii Revised Statutes, prior to the enactment of this Act, and  
17 mauka of Ala Moana boulevard, shall be transferred to the city  
18 and county of Honolulu.

19 SECTION 5. Chapter 200, Hawaii Revised Statutes, is  
20 amended by adding a new section to be appropriately designated  
21 and to read as follows:

1        "§200-        Kewalo basin; management.        (a)        The department of  
2 land and natural resources shall have sole jurisdiction and  
3 administrative responsibility for the management of all  
4 submerged lands and contiguous fast lands necessary for the  
5 management, maintenance, and operation of the small boat  
6 facilities at Kewalo basin.

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

11        SECTION 6. All rights, powers, functions, and duties of  
12 the Hawaii community development authority are transferred to  
13 the department of land and natural resources or the city and  
14 county of Honolulu, as appropriate.

15        SECTION 7. All appropriations, records, equipment,  
16 machines, files, supplies, contracts, books, papers, documents,  
17 maps, and other personal property made, used, acquired, or held  
18 by:

19        (1) The Hawaii community development authority relating to  
20 the functions transferred to the department of land  
21 and natural resources or the city and county of  
22 Honolulu; and

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

6           SECTION 8. All unencumbered moneys deposited in any  
7 revolving or special fund controlled by the Hawaii community  
8 development authority shall lapse to the credit of the general  
9 fund.

10          SECTION 9. All officers and employees whose functions are  
11 transferred by this Act shall be transferred with their  
12 functions and shall continue to perform their regular duties  
13 upon their transfer, subject to the state personnel laws and  
14 this Act.

15          An officer or employee of the State having tenure shall not  
16 suffer any loss of salary, seniority, prior service credit,  
17 vacation, sick leave, or other employee benefit or privilege as  
18 a consequence of this Act. A state officer or employee having  
19 tenure may be transferred or appointed to a civil service  
20 position as a consequence of this Act without the necessity of  
21 examination; provided that the officer or employee possesses the  
22 minimum qualifications for the position to which transferred or

1 appointed; and provided that subsequent changes in status may be  
2 made pursuant to applicable civil service and compensation laws.

3 An officer or employee of the State who does not have  
4 tenure and who may be transferred or appointed to a civil  
5 service position as a consequence of this Act shall become a  
6 civil service employee without the loss of salary, seniority,  
7 prior service credit, vacation, sick leave, or other employee  
8 benefits or privileges and without the necessity of examination;  
9 provided that the officer or employee possesses the minimum  
10 qualifications for the position to which transferred or  
11 appointed.

12 If an office or position held by an officer or employee  
13 having tenure is abolished as a consequence of this Act, the  
14 officer or employee shall not consequently be separated from  
15 public employment, but shall remain in the employment of the  
16 State or city and county of Honolulu with the same pay and  
17 classification and shall be transferred to some other office or  
18 position for which the officer or employee is eligible under the  
19 personnel laws as determined by the governor or the mayor of the  
20 city and county of Honolulu.

21 SECTION 10. All rules, policies, procedures, guidelines,  
22 and other material adopted or developed by:

SB1313 SD1.DOC  
\*SB1313 SD1.DOC\*  
\*SB1313 SD1.DOC\*

1 (1) The Hawaii community development authority to  
2 implement provisions of the Hawaii Revised Statutes  
3 and which are reenacted or made applicable to the  
4 department of land and natural resources or the city  
5 and county of Honolulu by this Act; and  
6 (2) The department of transportation with respect to  
7 submerged lands and contiguous fast lands necessary  
8 for the management, maintenance, and operation of the  
9 small boat facilities at Kewalo basin,  
10 shall remain in full force and effect until amended or repealed  
11 by the board of land and natural resources or the city and  
12 county of Honolulu pursuant to chapter 91, Hawaii Revised  
13 Statutes. In the interim, every reference to the Hawaii  
14 community development authority, the department of  
15 transportation, or the director of transportation in those  
16 rules, policies, procedures, guidelines, and other material is  
17 amended to refer to the department of land and natural  
18 resources, the chairperson of the board of land and natural  
19 resources, or the city and county of Honolulu, as appropriate.

20 SECTION 11. All deeds, leases, contracts, loans,  
21 agreements, permits, or other documents executed or entered into  
22 by or on behalf of the Hawaii community development authority or

1 the department of transportation pursuant to the provisions of  
2 the Hawaii Revised Statutes that are reenacted or made  
3 applicable to the department of land and natural resources or  
4 the city and county of Honolulu by this Act, shall remain in  
5 full force and effect. Upon the effective date of this Act,  
6 every reference to the Hawaii community development authority or  
7 the executive director of the Hawaii community development  
8 authority, or the department of transportation or the director  
9 of transportation therein shall be construed as a reference to  
10 the department of land and natural resources, the chairperson of  
11 the board of land and natural resources, or the city and county  
12 of Honolulu, as appropriate.

13 SECTION 12. The legislative reference bureau shall prepare  
14 proposed legislation that substitutes references made in the  
15 Hawaii Revised Statutes to the "Hawaii community development  
16 authority" with the "department of land and natural resources",  
17 "chairperson of the board of land and natural resources", or the  
18 "city and county of Honolulu", as appropriate. The legislative  
19 reference bureau shall also prepare proposed legislation that  
20 substitutes references to any specific section or part of  
21 chapter 206E, Hawaii Revised Statutes, with the correct  
22 corresponding references or referring language, as appropriate.



1           The legislative reference bureau shall submit the proposed  
2 legislation to the legislature not later than twenty days prior  
3 to the convening of the next regular session.

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

6           "(b) The following are placed in the department of  
7 business, economic development, and tourism for administrative  
8 purposes as defined by section 26-35: Aloha Tower development  
9 corporation, [~~Hawaii community development authority,~~] Hawaii  
10 housing finance and development corporation, high technology  
11 development corporation, land use commission, natural energy  
12 laboratory of Hawaii authority, and any other boards and  
13 commissions as shall be provided by law.

14           The department of business, economic development, and  
15 tourism shall be empowered to establish, modify, or abolish  
16 statistical boundaries for cities, towns, or villages in the  
17 State and shall publish, as expeditiously as possible, an up-to-  
18 date list of cities, towns, and villages after changes to  
19 statistical boundaries have been made."

20           SECTION 14. Section 46-102, Hawaii Revised Statutes, is  
21 amended by amending the definition of "redevelopment agency" to  
22 read as follows:

SB1313 SD1.DOC  
\*SB1313 SD1.DOC\*  
\*SB1313 SD1.DOC\*

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

4        SECTION 15. Section 514A-14.5, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6        "(c) This section shall not apply:

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

8        (2) To apartments in a mixed-use project that was  
9        developed [~~under chapter 206E that~~] by the Hawaii  
10       community development authority prior to the enactment  
11       of Act \_\_\_\_\_, Session Laws Hawaii 2009, and that has a  
12       shared parking program approved by the Hawaii  
13       community development authority prior to the enactment  
14       of Act \_\_\_\_\_, Session Laws Hawaii 2009, provided that  
15       [~~such a~~] the program shall require the availability of  
16       the use of not less than one parking space per  
17       apartment; and

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

21       SECTION 16. Chapter 206E, Hawaii Revised Statutes, is  
22 repealed.

1           SECTION 17. If any part of this Act is found to be in  
2 conflict with federal requirements that are a prescribed  
3 condition for the allocation of federal funds to the State, the  
4 conflicting part of this Act is inoperative solely to the extent  
5 of the conflict and with respect to the agencies directly  
6 affected, and this finding does not affect the operation of the  
7 remainder of this Act in its application to the agencies  
8 concerned. The rules in effect as a result of this Act shall  
9 meet federal requirements that are a necessary condition to the  
10 receipt of federal funds by the State or the city and county of  
11 Honolulu.

12           SECTION 18. In printing this Act, the revisor of statutes  
13 shall substitute in section 514A-14.5, Hawaii Revised Statutes,  
14 of section 15, the corresponding act number of this Act.

15           SECTION 19. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 20. This Act shall take effect upon its approval.

**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. (SD1)