

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

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

1 SECTION 1. Section 204.5, Hawaiian Homes Commission Act,
2 1920, as amended, is amended to read as follows:

3 "§204.5. Additional powers. In addition and supplemental
4 to the powers granted to the department by law, and
5 notwithstanding any law to the contrary, the department may:

6 (1) With the approval of the governor[7] and following a
7 presentation to the appropriate county neighborhood
8 board or, in counties with no neighborhood boards, to
9 any community association that would be directly
10 affected, undertake and carry out the development of
11 any Hawaiian home lands available for lease under and
12 pursuant to section 207 of this Act by assembling
13 these lands in residential developments and providing
14 for the construction, reconstruction, improvement,
15 alteration, or repair of public facilities therein,
16 including, without limitation, streets, storm drainage
17 systems, pedestrian ways, water facilities and



1 systems, sidewalks, street lighting, sanitary sewerage
2 facilities and systems, utility and service corridors,
3 and utility lines, where applicable, sufficient to
4 adequately service developable improvements therein,
5 sites for schools, parks, off-street parking
6 facilities, and other community facilities;

- 7 (2) With the approval of the governor[-] and following a
8 presentation to the appropriate county neighborhood
9 board or, in counties with no neighborhood boards, to
10 any community association that would be directly
11 affected, undertake and carry out the development of
12 available lands for homestead, commercial, and
13 multipurpose projects as provided in section 220.5 of
14 this Act, as a developer under this section or in
15 association with a developer agreement entered into
16 pursuant to this section by providing for the
17 construction, reconstruction, improvement, alteration,
18 or repair of public facilities for development,
19 including, without limitation, streets, storm drainage
20 systems, pedestrian ways, water facilities and
21 systems, sidewalks, street lighting, sanitary sewerage
22 facilities and systems, utility and service corridors,



1 and utility lines, where applicable, sufficient to
2 adequately service developable improvements therein,
3 sites for schools, parks, off-street parking
4 facilities, and other community facilities;

5 (3) With the approval of the governor, designate by
6 resolution of the commission all or any portion of a
7 development or multiple developments undertaken
8 pursuant to this section an "undertaking" under part
9 III of chapter 39, Hawaii Revised Statutes; and

10 (4) Exercise the powers granted under section 39-53,
11 Hawaii Revised Statutes, including the power to issue
12 revenue bonds from time to time as authorized by the
13 legislature.

14 All provisions of part III of chapter 39, Hawaii Revised
15 Statutes, shall apply to the department and all revenue bonds
16 issued by the department shall be issued pursuant to the
17 provisions of that part, except these revenue bonds shall be
18 issued in the name of the department, and not in the name of the
19 State.

20 As applied to the department, the term "undertaking" as
21 used in part III of chapter 39, Hawaii Revised Statutes, shall
22 include a residential development or a development of homestead,



1 commercial, or multipurpose projects under this Act. The term
2 "revenue" as used in part III of chapter 39, Hawaii Revised
3 Statutes, shall include all or any portion of the rentals
4 derived from the leasing of Hawaiian home lands or available
5 lands, whether or not the property is a part of the development
6 being financed."

7 SECTION 2. Section 220.5, Hawaiian Homes Commission Act,
8 1920, as amended, is amended by amending subsection (a) to read
9 as follows:

10 "(a) Notwithstanding any law to the contrary, the
11 department is authorized to enter into and carry out contracts
12 to develop available lands for homestead, commercial, and
13 multipurpose projects; provided that the department shall not be
14 subject to the requirements of competitive bidding if no state
15 funds are to be used in the development of the project[-];
16 provided further that any proposed development shall be
17 presented to the appropriate county neighborhood board or, in
18 counties with no neighborhood boards, to any community
19 association that would be directly affected."

20 SECTION 3. The provisions of the amendments made by this
21 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
22 declared to be severable, and if any section, sentence, clause,



1 or phrase, or the application thereof to any person or
2 circumstances is held ineffective because there is a requirement
3 of having the consent of the United States to take effect, then
4 that portion only shall take effect upon the granting of consent
5 by the United States and effectiveness of the remainder of these
6 amendments or the application thereof shall not be affected.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Hawaiian Homes Commission; Neighborhood Boards

Description:

Requires the presentation to the neighborhood board or community association for any development by the department of Hawaiian home lands.

