
A BILL FOR AN ACT

RELATING TO KAKAAKO.

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

1 SECTION 1. The purpose of this Act is to repeal part II,
2 chapter 206E, Hawaii Revised Statutes, which establishes the
3 Kakaako community development district under the Hawaii
4 community development authority, and to provide for the
5 transition of functions from the Hawaii community development
6 authority to the applicable state and county agencies.

7 Since the adoption of the district in 1976, the authority
8 has made tremendous progress in stimulating economic
9 revitalization, re-introducing market and affordable housing to
10 the area, and upgrading infrastructure.

11 At the same time, the legislature finds the City and County
12 of Honolulu has made significant strides in adopting long-range
13 plans for the greater region. This increasingly makes it
14 difficult to realize consistent growth management policies for
15 the region with separate entities governing it.

16 Moreover, with rail transit underway and evidence that the
17 City and County of Honolulu has demonstrated a deep commitment
18 to this major public utility, and to planning and zoning for



1 development around the stations, which would benefit from a
2 regional perspective, it is time to transfer planning and zoning
3 oversight of the Kakaako community development district to the
4 City and County of Honolulu. Therefore, this Act transfers
5 jurisdiction of the Hawaii community development authority to
6 other agencies as follows:

- 7 (1) Long-range planning and zoning to the City and County
8 of Honolulu, except as noted below;
- 9 (2) Capital improvement projects related to county
10 roadways, sewer and water delivery systems, parks and
11 open space, and other infrastructure systems to the
12 City and County of Honolulu;
- 13 (3) Submerged lands and contiguous fast lands necessary
14 for the management, maintenance, and operation of the
15 small boat facilities at Kewalo basin, Oahu, to the
16 department of land and natural resources, and the
17 department of transportation.

18 SECTION 2. Chapter 206E, Part II, Hawaii Revised Statutes,
19 is repealed.

20 SECTION 3. Section 514A-14.5, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:

22 "(c) This section shall not apply:



- 1 (1) To apartments developed under chapter 201H or 356D;
- 2 (2) To apartments in a mixed-use project that was
- 3 developed [~~under chapter 206E that~~] by the Hawaii
- 4 community development authority prior to the enactment
- 5 of Act _____, Session Laws of Hawaii 2010 and that has a
- 6 shared parking program approved by the Hawaii
- 7 community development authority prior to the enactment
- 8 of Act _____, Session Laws of Hawaii 2010; provided that
- 9 [such a] the program shall require the availability of
- 10 the use of not less than one parking space per
- 11 apartment; and
- 12 (3) To apartments designated in the declaration of
- 13 condominium property regime for hotel, time share,
- 14 transient vacation rental, or commercial use."

15 SECTION 4. Upon the effective date of this Act, title to

16 all lands under the control of the Hawaii community development

17 authority within the Kakaako community development district that

18 was established by section 206E-32, Hawaii Revised Statutes,

19 prior to the enactment of this Act, shall be transferred to the

20 department of land and natural resources.

21 SECTION 5. Upon the effective date of this Act, planning

22 and zoning authority shall be transferred from the Hawaii



1 community development authority to the City and County of
2 Honolulu for real property under the control of the Hawaii
3 community development authority that is within the Kakaako
4 community development district that was established by section
5 206E-32, Hawaii Revised Statutes, prior to the enactment of this
6 Act.

7 SECTION 6. All rights, powers, functions, and duties of
8 the Hawaii community development authority are transferred to
9 the department of land and natural resources or the City and
10 County of Honolulu, as appropriate.

11 SECTION 7. All appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property made, used, acquired, or held
14 by:

15 (1) The Hawaii community development authority relating to
16 the functions transferred to the department of land
17 and natural resources or the City and County of
18 Honolulu; and

19 (2) The department of transportation with respect to
20 submerged lands and contiguous fast lands necessary
21 for the management, maintenance, and operation of the
22 small boat facilities at Kewalo basin,



1 shall be transferred with the functions to which they relate.

2 SECTION 8. All unencumbered moneys deposited in any
3 revolving or special fund controlled by the Hawaii community
4 development authority, shall be transferred to the county and
5 used exclusively for the benefit of Kakaako lands.

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

11 An officer or employee of the State having tenure shall not
12 suffer any loss of salary, seniority, prior service credit,
13 vacation, sick leave, or other employee benefit or privilege as
14 a consequence of this Act. A state officer or employee having
15 tenure may be transferred or appointed to a civil service
16 position as a consequence of this Act without the necessity of
17 examination; provided that the officer or employee possesses the
18 minimum qualifications for the position to which transferred or
19 appointed; and provided that subsequent changes in status may be
20 made pursuant to applicable civil service and compensation laws.

21 An officer or employee of the State who does not have
22 tenure and who may be transferred or appointed to a civil



1 service position as a consequence of this Act shall become a
2 civil service employee without the loss of salary, seniority,
3 prior service credit, vacation, sick leave, or other employee
4 benefits or privileges and without the necessity of examination;
5 provided that the officer or employee possesses the minimum
6 qualifications for the position to which transferred or
7 appointed.

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

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

19 (1) The Hawaii community development authority to
20 implement provisions of the Hawaii Revised Statutes
21 and that are reenacted or made applicable to the



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

17 SECTION 11. All deeds, leases, contracts, loans,
18 agreements, permits, or other documents executed or entered into
19 by or on behalf of the Hawaii community development authority or
20 the department of transportation pursuant to the provisions of
21 the Hawaii Revised Statutes that are reenacted or made
22 applicable to the department of land and natural resources or



1 the City and County of Honolulu by this Act, shall remain in
2 full force and effect, unless affirmatively amended by the
3 appropriate agency, under due process. Upon the effective date
4 of this Act, every reference to the Hawaii community development
5 authority or the executive director of the Hawaii community
6 development authority, or the department of transportation or
7 the director of transportation therein shall be construed as a
8 reference to the department of land and natural resources, the
9 chairperson of the board of land and natural resources, or the
10 City and County of Honolulu, as appropriate.

11 SECTION 12. During the time between the enactment of this
12 Act and its effective date the Hawaii community development
13 authority shall make no decisions on deeds, leases, contracts,
14 loans, agreements, permits or other documents unless the
15 appropriate state agency or City and County of Honolulu concurs.

16 SECTION 13. If any part of this Act is found to be in
17 conflict with federal requirements that are a prescribed
18 condition for the allocation of federal funds to the State, the
19 conflicting part of this Act is inoperative solely to the extent
20 of the conflict and with respect to the agencies directly
21 affected, and this finding does not affect the operation of the
22 remainder of this Act in its application to the agencies



1 concerned. The rules in effect as a result of this Act shall
2 meet federal requirements that are a necessary condition to the
3 receipt of federal funds by the State or the City and County of
4 Honolulu.

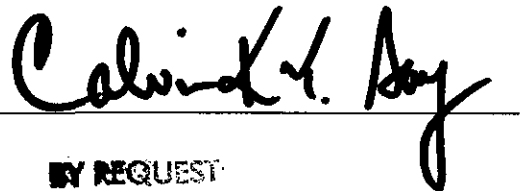
5 SECTION 14. In printing this Act, the revisor of statutes
6 shall substitute in section 514A-14.5, Hawaii Revised Statutes,
7 of section 3, the corresponding act number of this Act.

8 SECTION 15. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 16. This Act shall take effect on July 1, 2012 to
11 allow for budgetary adjustments, rule changes, and other
12 transition actions.

13

INTRODUCED BY:



BY REQUEST

JAN 21 2010



Report Title:

Kakaako Community Development District

Description:

Repeals the Kakaako community development district under the Hawaii community development authority and transfers functions to the City and County of Honolulu and department of land and natural resources.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

