
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 Kalaeloa 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 Kalaeloa 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. Chapter 200, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

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

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

21 SECTION 3. Section 26-18, Hawaii Revised Statutes, is
22 amended by amending subsection (b) to read as follows:

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

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

15 SECTION 4. Section 46-102, Hawaii Revised Statutes, is
16 amended by amending the definition of "redevelopment agency" to
17 read as follows:

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

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

- 1 "(c) This section shall not apply:
- 2 (1) To apartments developed under chapter 201H or 356D;
- 3 (2) To apartments in a mixed-use project that was
- 4 developed [~~under chapter 206E that~~] by the Hawaii
- 5 community development authority prior to the enactment
- 6 of Act _____, Session Laws Hawaii 2009, and that has a
- 7 shared parking program approved by the Hawaii
- 8 community development authority~~[+]~~ prior to the
- 9 enactment of Act _____, Session Laws Hawaii 2009;
- 10 provided that [~~such a~~] the program shall require the
- 11 availability of the use of not less than one parking
- 12 space per apartment; and
- 13 (3) To apartments designated in the declaration of
- 14 condominium property regime for hotel, time share,
- 15 transient vacation rental, or commercial use."

16 SECTION 6. Chapter 206E, Hawaii Revised Statutes, is

17 repealed.

18 SECTION 7. Upon the effective date of this Act, title to

19 all of the following under the control of the Hawaii community

20 development authority shall be transferred to the department of

21 land and natural resources:

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

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

9 SECTION 8. Upon the effective date of this Act, zoning
10 authority shall be transferred from the Hawaii community
11 development authority to the city and county of Honolulu for the
12 following:

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

17 (2) Real property under the control of the Hawaii
18 community development authority that is within the
19 Kakaako community development district that was
20 established by section 206E-32, Hawaii Revised
21 Statutes, prior to the enactment of this Act.

1 SECTION 9. Upon the effective date of this Act, title to
2 all real property under the control of the Hawaii community
3 development authority that is within the Kakaako community
4 development district that was established by section 206E-32,
5 Hawaii Revised Statutes, prior to the enactment of this Act, and
6 mauka of Ala Moana boulevard, shall be transferred to the city
7 and county of Honolulu.

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

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

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

20 (2) The department of transportation with respect to
21 submerged lands and contiguous fast lands necessary

1 for the management, maintenance, and operation of the
2 small boat facilities at Kewalo basin,
3 shall be transferred with the functions to which they relate.

4 SECTION 12. All unencumbered moneys deposited in any
5 revolving or special fund controlled by the Hawaii community
6 development authority shall lapse to the credit of the general
7 fund.

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

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

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

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

19 SECTION 14. All rules, policies, procedures, guidelines,
20 and other material adopted or developed by:

21 (1) The Hawaii community development authority to
22 implement provisions of the Hawaii Revised Statutes

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

18 SECTION 15. All deeds, leases, contracts, loans,
19 agreements, permits, or other documents executed or entered into
20 by or on behalf of the Hawaii community development authority or
21 the department of transportation pursuant to the provisions of
22 the Hawaii Revised Statutes that are reenacted or made

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

11 SECTION 16. The legislative reference bureau shall prepare
12 proposed legislation that substitutes references made in the
13 Hawaii Revised Statutes to the "Hawaii community development
14 authority" with the "department of land and natural resources",
15 "chairperson of the board of land and natural resources", or the
16 "city and county of Honolulu", as appropriate. The legislative
17 reference bureau shall also prepare proposed legislation that
18 substitutes references to any specific section or part of
19 chapter 206E, Hawaii Revised Statutes, with the correct
20 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 17. If any part of this Act is found to be in
5 conflict with federal requirements that are a prescribed
6 condition for the allocation of federal funds to the State, the
7 conflicting part of this Act is inoperative solely to the extent
8 of the conflict and with respect to the agencies directly
9 affected, and this finding does not affect the operation of the
10 remainder of this Act in its application to the agencies
11 concerned. The rules in effect as a result of this Act shall
12 meet federal requirements that are a necessary condition to the
13 receipt of federal funds by the State or the city and county of
14 Honolulu.

15 SECTION 18. In printing this Act, the revisor of statutes
16 shall substitute in section 514A-14.5, Hawaii Revised Statutes,
17 of section 5, the corresponding act number of this Act.

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

20 SECTION 20. This Act shall take effect on July 1 2050.

21

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. (SD2)