

JAN 21 2011

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION.

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 neighborhood board
8 established pursuant to article XIV, revised charter
9 of the city and county of Honolulu, or, in counties
10 with no neighborhood boards, to any community
11 association that would be directly affected, undertake
12 and carry out ~~[the development]~~ developments or
13 projects other than homes ~~[e]f~~ on any Hawaiian home
14 lands available for lease under and pursuant to
15 section 207 of this Act by assembling these lands in
16 residential developments and providing for the
17 construction, reconstruction, improvement, alteration,
18 or repair of public facilities therein, including,



1 without limitation, streets, storm drainage systems,
2 pedestrian ways, water facilities and systems,
3 sidewalks, street lighting, sanitary sewerage
4 facilities and systems, utility and service corridors,
5 and utility lines, where applicable, sufficient to
6 adequately service developable improvements therein,
7 sites for schools, parks, off-street parking
8 facilities, and other community facilities;

9 (2) With the approval of the governor[7] and following a
10 presentation to the appropriate neighborhood board
11 established pursuant to article XIV, revised charter
12 of the city and county of Honolulu, or, in counties
13 with no neighborhood boards, to any community
14 association that would be directly affected,
15 undertake and carry out [~~the development~~] developments
16 or projects other than homes [ef] on available lands
17 for homestead, commercial, and multipurpose projects
18 as provided in section 220.5 of this Act, as a
19 developer under this section or in association with a
20 developer agreement entered into pursuant to this
21 section by providing for the construction,
22 reconstruction, improvement, alteration, or repair of



1 public facilities for development, including, without
2 limitation, streets, storm drainage systems,
3 pedestrian ways, water facilities and systems,
4 sidewalks, street lighting, sanitary sewerage
5 facilities and systems, utility and service corridors,
6 and utility lines, where applicable, sufficient to
7 adequately service developable improvements therein,
8 sites for schools, parks, off-street parking
9 facilities, and other community facilities;

10 (3) With the approval of the governor, designate by
11 resolution of the commission all or any portion of a
12 development or multiple developments undertaken
13 pursuant to this section an "undertaking" under part
14 III of chapter 39, Hawaii Revised Statutes; and

15 (4) Exercise the powers granted under section 39-53,
16 Hawaii Revised Statutes, including the power to issue
17 revenue bonds from time to time as authorized by the
18 legislature.

19 All provisions of part III of chapter 39, Hawaii Revised
20 Statutes, shall apply to the department and all revenue bonds
21 issued by the department shall be issued pursuant to the
22 provisions of that part, except these revenue bonds shall be



1 issued in the name of the department, and not in the name of the
2 State.

3 As applied to the department, the term "undertaking" as
4 used in part III of chapter 39 shall include a residential
5 development or a development of homestead, commercial, or
6 multipurpose projects under this Act. The term "revenue" as
7 used in part III of chapter 39, shall include all or any portion
8 of the rentals derived from the leasing of Hawaiian home lands
9 or available lands, whether or not the property is a part of the
10 development being financed."

11 SECTION 2. Section 220.5 of the Hawaiian Homes Commission
12 Act, 1920, as amended, is amended by amending subsection (a) to
13 read as follows:

14 "(a) Notwithstanding any law to the contrary, the
15 department is authorized to enter into and carry out contracts
16 to develop available lands for homestead, commercial, and
17 multipurpose projects; provided that the department shall not be
18 subject to the requirements of competitive bidding if no state
19 funds are to be used in the development of the project [-];
20 provided further that any proposed developments or projects
21 other than homes shall be presented to the appropriate
22 neighborhood board established pursuant to article XIV, revised



1 charter of the city and county of Honolulu, or, in counties with
2 no neighborhood boards, to any community association that would
3 be directly affected."

4 SECTION 3. The provisions of the amendments made by this
5 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
6 declared to be severable, and if any section, sentence, clause,
7 or phrase, or the application thereof to any person or
8 circumstances is held ineffective because there is a requirement
9 of having the consent of the United States to take effect, then
10 that portion only shall take effect upon the granting of consent
11 by the United States and effectiveness of the remainder of these
12 amendments or the application thereof shall not be affected.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.
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Report Title:

DHHL; Neighborhood Boards; Development; Presentation

Description:

Requires that the department of Hawaiian homelands present to the appropriate neighborhood board or community association developments or projects other than homes prior to the department undertaking the development or project. Clarifies that the development of homes is not subject to the above condition.

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