

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 7 Date 4-12-11

TO: H.B. No. 680, S.D. 1

SECTION 1. House Bill No. 680, S.D. 1, is amended by replacing the language in the new section titled "Kakaako makai community development subdistrict; power to develop established" with new language to read as follows:

"§206E- Kakaako makai community development subdistrict; power to develop established. (a) The Hawaii community development authority shall act as the local development authority to facilitate the development of the Kakaako makai community development subdistrict in accordance with the Kakaako makai area plan, and the cultural public market pursuant to section 206E-34.

(b) Three additional voting members shall be appointed to the authority by the governor pursuant to subsection 206E-3(b) to represent the Kakaako makai community development subdistrict. These members shall be considered in determining quorum and majority only on issues relating to the Kakaako makai community development subdistrict, and may vote only on issues relating to the Kakaako makai community development subdistrict. The three additional voting members shall consist of:

- (1) One member from a list of four recommendations provided by the local governing body for the subdistrict; and
- (2) Two members representing public recreation, cultural, and arts organizations or business interests that have participated in the community master-planning process in the Kakaako makai community development subdistrict."

SECTION 2. House Bill No. 680, S.D. 1, is amended by inserting a new Section 2 to amend section 206E-3(b), Hawaii Revised Statutes, to revise the composition of the Hawaii Community Development Authority and to read as follows:

"SECTION 2. Section 206E-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The authority shall consist of thirteen voting members. The director of finance, the director of business, economic development, and tourism, the comptroller, and the director of transportation, or their respective designated representatives shall serve as ex officio, voting members. One member shall be appointed by the governor from a list of not less than three prospective appointees submitted by the



president of the senate, and one member shall be appointed by the governor from a list of not less than three prospective appointees submitted by the speaker of the house of representatives. Seven members shall be appointed by the governor for staggered terms pursuant to section 26-34; provided that four members shall be appointed at large and, initially, three members, hereinafter referred to as county members, shall be selected from a list of ten prospective appointees recommended by the local governing body of the county in which the initial designated district is situated; and provided further that when vacancies occur in any of the three positions for which the members were selected from a list of county recommendations, the governor shall fill such vacancies on the basis of one from a list of four recommendations, two from a list of seven recommendations, or three from a list of ten recommendations. The list of recommendations shall be made by the local governing body of the county. Of the nine members appointed either by the governor from the lists provided by the president of the senate and speaker of the house, at-large by the governor, or as county members recommended by the local governing body of the county in which the initial designated district is situated, ~~[at least two members]~~ one member shall be the director of the city and county of Honolulu department of planning and permitting and one member shall represent small businesses and shall be designated as the small business ~~[representatives]~~ representative on the board whose purpose, among other things, is to vote on matters before the board that affect small businesses. The small business ~~[representatives]~~ representative shall be ~~[owners]~~ an owner or an active ~~[managers]~~ manager of a small business with its principal place of operation located within the physical boundaries of the initial designated district. Notwithstanding section 84-14(a), the small business ~~[representatives]~~ representative shall not be prohibited from voting on any matter concerning any district under the board's jurisdiction; provided that the matter is not limited to solely benefiting the specific interest of that member and the matter concerns broader interests within the district. If an additional district is designated by the legislature, the total membership of the authority shall be increased as prescribed above by the appointment of three additional members, except as provided for in section 206E-191. Notwithstanding section 92-15, a majority of all members shall constitute a quorum to do business, and the concurrence of a majority of all members shall be necessary to make any action of the authority valid; ~~[except]~~ provided that, on any matter relating solely to a specific community development district, the members representing districts other than that specific community development district shall neither vote, nor shall



they be counted to constitute a quorum, and concurrence shall be required of a majority of that portion of the authority made up of all ex officio voting members, members at large, and county and district members representing the district for which action is being proposed for such action to be valid. All members shall continue in office until their respective successors have been appointed and qualified. Except as herein provided, no member appointed under this subsection shall be an officer or employee of the State or its political subdivisions.

For [+]purposes[+] of this section, "small business" means a business which is independently owned and which is not dominant in its field of operation.""

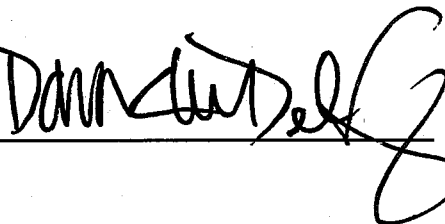
SECTION 3. House Bill No. 680, S.D. 1, is amended by renumbering Sections 2 and 3 as Sections 3 and 4, respectively.

SECTION 4. House Bill No. 680, S.D. 1, is amended by replacing the language in section 206E-7(b), Hawaii Revised Statutes, in Section 4 of the bill with new language to read as follows:

"(b) For the Kakaako community development district, the authority shall also adopt rules, pursuant to chapter 91, on the subdivision of lands that, upon adoption, shall supersede all other inconsistent ordinances and rules relating to the subdivision of lands in the Kakaako community development district; provided that the authority may issue interim rules by directive, pursuant to chapter 91, that shall be effective for not more than eighteen months."

SECTION 5. House Bill No. 680, S.D. 1, is amended by renumbering Sections 4, 5, and 6 as Sections 5, 6, and 7, respectively.

Offered by:



Carried

Failed to Carry

Withdrawn

