

JAN 18 2013

S.B. NO. 741

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## A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1           SECTION 1. The legislature finds that the Hawaii community  
2 development authority was established to help determine  
3 community development programs; cooperate with private and other  
4 government agencies to implement those community development  
5 plans; and increase affordable housing, parks, and public  
6 facilities in certain districts. Pursuant to chapter 206E,  
7 Hawaii Revised Statutes, the authority is authorized to sell  
8 certain state-controlled real property. However, under chapter  
9 171, Hawaii Revised Statutes, the sale of public lands requires  
10 the prior approval of the legislature by concurrent resolution  
11 after a sale proposal is made and reviewed.

12           The legislature also finds that under certain circumstances  
13 the authority may find it profitable or beneficial to expedite a  
14 real property transaction. Such situations have arisen and may  
15 arise in the future in the Kakaako community development  
16 district. In anticipation of these opportunities, the  
17 legislature finds the need to be informed of the costs and  
18 benefits of selling or purchasing various properties located in



1 the Kakaako community development district in order to make  
2 decisions regarding the approval of the sale of these public  
3 lands.

4 The purpose of this Act is to:

5 (1) Limit the prohibition on the sale or assigning of the  
6 fee simple interest of certain lands in the Kakaako  
7 community development district to the makai lands in  
8 the Kakaako community development district; and

9 (2) Require the authority to determine the costs and  
10 benefits of selling and purchasing certain properties,  
11 except makai lands, within the Kakaako community  
12 development district.

13 SECTION 2. Section 206E-31.5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[+]§206E-31.5[+] **Prohibitions.** Anything contained in  
16 this chapter to the contrary notwithstanding, the authority is  
17 prohibited from:

18 (1) Selling or otherwise assigning the fee simple interest  
19 in any makai lands in the Kakaako community  
20 development district to which the authority in its  
21 corporate capacity holds title, except with respect  
22 to:



- 1 (A) Utility easements;
- 2 (B) Remnants as defined in section 171-52;
- 3 (C) Grants to any state or county department or
- 4 agency; or
- 5 (D) Private entities for purposes of any easement,
- 6 roadway, or infrastructure improvements; or
- 7 (2) Approving any plan or proposal for any residential
- 8 development in that portion of the Kakaako community
- 9 development district makai of Ala Moana boulevard and
- 10 between Kewalo basin and the foreign trade zone."

11 SECTION 3. The Hawaii community development authority  
12 shall determine the costs and benefits of selling and purchasing  
13 certain properties, excluding makai lands, within the Kakaako  
14 community development district. The Hawaii community  
15 development authority shall submit a report to the legislature,  
16 including its findings, recommendations, and any proposed  
17 legislation, no later than October 1, 2013.

18 SECTION 4. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.

21 SECTION 5. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Handwritten Signature]*  
*[Handwritten Signature]*



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**Report Title:**

Hawaii Community Development Authority; Kakaako Community Development District

**Description:**

Limits the prohibition on the sale of Kakaako community development district lands by HCDA to Kakaako makai lands. Requires the HCDA to determine the costs and benefits of selling and purchasing certain properties, except makai lands, within the Kakaako community development district and report to the legislature.

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

