
A BILL FOR AN ACT

RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT.

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

1 SECTION 1. Section 206E-3, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) The authority shall consist of the director of
4 finance or the director's designee; the director of
5 transportation or the director's designee; a cultural
6 specialist; an at-large member; an at-large member nominated by
7 the senate president; an at-large member nominated by the
8 speaker of the house; three representatives of the Heeia
9 community development district, comprising two residents of that
10 district or the Koolaupoko district, which consists of sections
11 1 through 9 of zone 4 of the first tax map key division, and one
12 owner of a small business or one officer or director of a
13 nonprofit organization in the Heeia community development
14 district or Koolaupoko district, nominated by the county council
15 of the county in which the Heeia community development district
16 is located; three representatives of the Kalaeloa community
17 development district, comprising two residents of the Ewa zone



1 (zone 9, sections 1 through 2) or the Waianae zone (zone 8,
2 sections 1 through 9) of the first tax map key division, and one
3 owner of a small business or one officer or director of a
4 nonprofit organization in the Ewa or Waianae zone, nominated by
5 the county council of the county in which the Kalaeloa community
6 development district is located; [~~three representatives of the
7 Kakaako community development district, comprising two residents
8 of the district and one owner of a small business or one officer
9 or director of a nonprofit organization in the district,
10 nominated by the county council of the county in which the
11 Kakaako community development district is located,~~] the director
12 of planning and permitting of each county in which a community
13 development district is located or the director's designee, who
14 shall serve in an ex officio, nonvoting capacity; and the
15 chairperson of the Hawaiian homes commission or the
16 chairperson's designee, who shall serve in an ex officio,
17 nonvoting capacity.

18 All members except the director of finance, director of
19 transportation, county directors of planning and permitting, and
20 chairperson of the Hawaiian homes commission or their designees
21 shall be appointed by the governor pursuant to section 26-34.



1 The two at-large members nominated by the senate president and
2 speaker of the house and the [~~nine~~] six representatives of the
3 respective community development districts shall each be
4 appointed by the governor from a list of three nominees
5 submitted for each position by the nominating authority
6 specified in this subsection.

7 The authority shall be organized and shall exercise
8 jurisdiction as follows:

9 (1) For matters affecting the Heeia community development
10 district, the following members shall be considered in
11 determining quorum and majority and shall be eligible
12 to vote:

13 (A) The director of finance or the director's
14 designee;

15 (B) The director of transportation or the director's
16 designee;

17 (C) The cultural specialist;

18 (D) The three at-large members; and

19 (E) The three representatives of the Heeia community
20 development district;



1 provided that the director of planning and permitting
2 of the relevant county or the director's designee
3 shall participate in these matters as an ex officio,
4 nonvoting member and shall not be considered in
5 determining quorum and majority; and

6 (2) For matters affecting the Kalaeloa community
7 development district, the following members shall be
8 considered in determining quorum and majority and
9 shall be eligible to vote:

10 (A) The director of finance or the director's
11 designee;

12 (B) The director of transportation or the director's
13 designee;

14 (C) The cultural specialist;

15 (D) The three at-large members; and

16 (E) The three representatives of the Kalaeloa
17 community development district;

18 provided that the director of planning and permitting
19 of the relevant county and the chairperson of the
20 Hawaiian homes commission, or their respective
21 designees, shall participate in these matters as ex



1 officio, nonvoting members and shall not be considered
2 in determining quorum and majority[;

3 ~~(3) For matters affecting the Kakaako community~~
4 ~~development district, the following members shall be~~
5 ~~considered in determining quorum and majority and~~
6 ~~shall be eligible to vote;~~

7 ~~(A) The director of finance or the director's~~
8 ~~designee;~~

9 ~~(B) The director of transportation or the director's~~
10 ~~designee;~~

11 ~~(C) The cultural specialist;~~

12 ~~(D) The three at large members; and~~

13 ~~(E) The three representatives of the Kakaako~~
14 ~~community development district;~~

15 provided that the director of planning and permitting
16 of the relevant county or the director's designee
17 shall participate in these matters as an ex officio,
18 nonvoting member and shall not be considered in
19 determining quorum and majority].

20 In the event of a vacancy, a member shall be appointed to
21 fill the vacancy in the same manner as the original appointment



1 within thirty days of the vacancy or within ten days of the
2 senate's rejection of a previous appointment, as applicable.

3 The terms of the director of finance, director of
4 transportation, county directors of planning and permitting, and
5 chairperson of the Hawaiian homes commission or their respective
6 designees shall run concurrently with each official's term of
7 office. The terms of the appointed voting members shall be for
8 four years, commencing on July 1 and expiring on June 30;
9 provided that the initial terms of all voting members initially
10 appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall
11 commence on March 1, 2015. The governor shall provide for
12 staggered terms of the initially appointed voting members so
13 that the initial terms of four members selected by lot shall be
14 for two years, the initial terms of four members selected by lot
15 shall be for three years, and the initial terms of the remaining
16 five members shall be for four years.

17 The governor may remove or suspend for cause any member
18 after due notice and public hearing.

19 Notwithstanding section 92-15, a majority of all eligible
20 voting members as specified in this subsection shall constitute
21 a quorum to do business, and the concurrence of a majority of



1 all eligible voting members as specified in this subsection
2 shall be necessary to make any action of the authority valid.
3 All members shall continue in office until their respective
4 successors have been appointed and qualified. Except as herein
5 provided, no member appointed under this subsection shall be an
6 officer or employee of the State or its political subdivisions.

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

10 SECTION 2. Section 212-5.5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§212-5.5[+] **Foreign-trade zone; jurisdiction.**

13 Anything to the contrary notwithstanding, the department of
14 business, economic development, and tourism shall have
15 jurisdiction and administrative authority over the area in the
16 vicinity of Piers 1 and 2 currently being used as a foreign-
17 trade zone. This area is defined as all of parcels 2 and 3-A of
18 the Forrest Avenue subdivision, as shown on the map filed in the
19 bureau of conveyances of the State of Hawaii, as file plan 2335,
20 and lot A-1, as shown on map 2, filed in the office of the
21 assistant registrar of the land court of the State of Hawaii



1 with land court application 1328; provided that all existing
2 easements affecting and appurtenant to the parcels to be deleted
3 from the former Kakaako community development district
4 boundaries prior to the effective date of this Act shall not be
5 affected by this change."

6 SECTION 3. Section 266-1.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§266-1.5[+] Honolulu harbor Piers 1 and 2;
9 jurisdiction. Any law to the contrary notwithstanding, the
10 department of transportation shall have jurisdiction and
11 administrative authority over Honolulu harbor Piers 1 and 2 and
12 the contiguous backup fast lands currently used for manifested
13 cargo and passenger operations. This area is defined as all of
14 lot 3 and parcels A and B of the Forrest Avenue subdivision, as
15 shown on the map filed with the bureau of conveyances of the
16 State of Hawaii, as file plan 2335, and lot A-2, as shown on map
17 2, filed in the office of the assistant registrar of the land
18 court of the State of Hawaii with land court application 1328;
19 provided that all existing easements affecting and appurtenant
20 to the parcels to be deleted from the former Kakaako community



1 development district boundaries prior to the effective date of
2 this Act shall not be affected by this change."

3 SECTION 4. Chapter 206E, part II, Hawaii Revised Statutes,
4 is repealed.

5 SECTION 5. On July 1, 2016, all powers vested in the
6 Hawaii community development authority relating to the Kakaako
7 community development district established pursuant to chapter
8 206E, Hawaii Revised Statutes, shall be transferred to the city
9 and county of Honolulu.

10 SECTION 6. All appropriations, records, equipment,
11 machines, files, supplies, contracts, books, papers, documents,
12 maps, and other personal property heretofore made, used,
13 acquired, or held by the Hawaii community development authority
14 relating to the functions transferred to the city and county of
15 Honolulu shall be transferred with the functions to which they
16 relate.

17 All rules, policies, procedures, guidelines, and other
18 material adopted or developed by the Hawaii community
19 development authority to implement provisions of the Hawaii
20 Revised Statutes that are reenacted or made applicable to the
21 city and county of Honolulu by this Act shall remain in full



1 force and effect until amended or repealed by the city and
2 county of Honolulu pursuant to chapter 91, Hawaii Revised
3 Statutes. In the interim, every reference to the Hawaii
4 community development authority in those rules, policies,
5 procedures, guidelines, and other material is amended to refer
6 to the city and county of Honolulu, as appropriate.

7 All deeds, leases, contracts, loans, agreements, permits,
8 or other documents executed or entered into by or on behalf of
9 the Hawaii community development authority, pursuant to the
10 provisions of the Hawaii Revised Statutes, that are reenacted or
11 made applicable to the city and county of Honolulu by this Act
12 shall remain in full force and effect. Effective July 1, 2016,
13 every reference to the Hawaii community development authority in
14 those deeds, leases, contracts, loans, agreements, permits, or
15 other documents shall be construed as a reference to the city
16 and county of Honolulu, as appropriate.

17 SECTION 7. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 8. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 2016.

2

INTRODUCED BY:

Tom Bran
Clint H. By
JAN 26 2016



H.B. NO. 2520

Report Title:
HCDA; Kakaako

Description:
Repeals the Kakaako community development district.

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