
A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY-BASED ECONOMIC DEVELOPMENT
TECHNICAL AND FINANCIAL ASSISTANCE PROGRAM.

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

1 SECTION 1. Section 210D-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "community-based
3 organization" to read as follows:

4 "Community-based organization" means a [~~membership-based,~~]
5 nonprofit corporation incorporated in the State of Hawaii that
6 is organized and controlled by either a geographic community, a
7 community of identity, or a community of interest and [~~which~~]
8 that is directly involved in community-based economic
9 development activities."

10 SECTION 2. Section 210D-5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§210D-5 Community-based economic development advisory
13 council; established. There is established the community-based
14 economic development advisory council, which shall consist of
15 [~~twelve~~] ten members. The director of business, economic
16 development, and tourism, the chairperson of the board of



1 agriculture, and the chairperson of the office of Hawaiian
2 affairs, or their respective designees, shall be ex officio
3 voting members of the council. The remaining [~~nine~~] seven
4 members shall be appointed by the governor in accordance with
5 section 26-34. Each county shall be represented by at least one
6 member who is a resident of that county, and at least one member
7 of the council shall be a representative of the financial
8 community. The council shall be placed for administrative
9 purposes in the department of business, economic development,
10 and tourism."

11 SECTION 3. Section 210D-11, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§210D-11 Grants; conditions and qualifications.** (a)
14 Grants shall be made for amounts not to exceed \$100,000 for each
15 applicant. Applications for grants shall be made to the
16 department and contain such information as the department shall
17 require by rules adopted pursuant to chapter 91. At a minimum,
18 the applicant must show that:

19 (1) The grant shall be used exclusively for community-
20 based economic development activities [~~or~~], a
21 community-based business or enterprise [~~that are~~], or



1 the provision of technical assistance to community-
2 based organizations, consistent with the purposes of
3 this chapter [~~for a continuous period of at least five~~
4 years];

5 (2) The community-based business or enterprise shall have
6 applied for or received all applicable licenses and
7 permits;

8 (3) The applicant [~~will~~] shall comply with all applicable
9 federal and state laws prohibiting discrimination
10 against any person on the basis of race, color,
11 national origin, religion, creed, sex, age, [~~or~~
12 ~~physical handicap,~~] sexual orientation, disability, or
13 any other characteristic protected under applicable
14 federal or state law;

15 (4) The grant shall not be used for purposes of
16 entertainment or perquisites;

17 (5) The applicant shall comply with other requirements as
18 the department [~~of business, economic development, and~~
19 ~~tourism~~] may prescribe;

20 (6) All activities and improvements undertaken with funds
21 received shall comply with all applicable federal,



1 state, and county statutes and ordinances, including
2 applicable building codes and agency rules;

3 (7) The applicant [~~will~~] shall indemnify and save harmless
4 the State of Hawaii and its officers, agents, and
5 employees from and against any and all claims arising
6 out of or resulting from activities carried out or
7 projects undertaken with funds provided hereunder, and
8 procure sufficient insurance to provide this
9 indemnification if requested to do so by the
10 department; and

11 (8) The facilities [~~will~~] shall not be used and are not
12 intended to be used for sectarian instruction or as a
13 place of worship.

14 (b) To receive a grant under this section for community-
15 based economic development activities [~~or development of~~], a
16 community-based enterprise [~~7~~] or business, or the provision of
17 technical assistance to community-based organizations, an
18 applicant shall:

19 (1) Be either:



1 (A) A profit subsidiary of a nonprofit community-
2 based organization incorporated under the laws of
3 the State;

4 (B) A nonprofit community-based organization
5 determined to be exempt from federal income
6 taxation by the Internal Revenue Service; ~~[or]~~

7 (C) A cooperative association; or

8 (D) An organization providing technical assistance to
9 community-based organizations;

10 (2) In the case of a nonprofit organization, have a
11 governing board whose members have no material
12 conflict of interest and serve without compensation,
13 have bylaws or policies that describe the manner in
14 which business is conducted and policies relating to
15 nepotism and management of potential conflict of
16 interest situations, and employ or contract with no
17 two or more members of a family or kin of the first or
18 second degree unless specifically permitted by the
19 department;

20 (3) Agree to make available to the department all records
21 the applicant may have relating to the ~~[operation of]~~



1 ~~the community-based enterprise,~~ grant, to allow state
2 agencies to monitor the applicant's compliance with
3 the purpose of this chapter; and

4 (4) Establish, to the satisfaction of the department, that
5 sufficient funds are available for the effective
6 operation of the activity, business, or enterprise, or
7 technical assistance for the purpose for which the
8 grant is awarded."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2038.



Report Title:

Hawaii Community-Based Economic Development Technical and Financial Assistance Program

Description:

Amends the definition of "community-based organization." Amends the qualifications for community-based economic development grants to include technical assistance to community-based organizations. Reduces the number of Community-based Economic Development Advisory Council members from twelve to ten.
(SB900 HD1)

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