
A BILL FOR AN ACT

RELATING TO DEVELOPMENT DISTRICTS.

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

1 SECTION 1. Section 206E, Hawaii Revised Statutes, is
2 amended by adding a new part to read as follows:

3 "PART . PULEHUNUI COMMUNITY DEVELOPMENT DISTRICT

4 §206E-A Pulehunui community development district; purpose;
5 findings. The legislature finds that the lands of Pulehunui,
6 Maui are underutilized. Redeveloping, renovating, or improving
7 these public lands in a manner that will provide suitable
8 recreational, residential, educational, and commercial areas
9 where the public can live, congregate, recreate, attend schools,
10 and shop, as part of a thoughtfully integrated experience, is in
11 the best interests of the State and its people.

12 The legislature further finds that the establishment of an
13 autonomous community development authority under the Hawaii
14 community development authority is the best method of addressing
15 the planning and development of the public lands in Pulehunui,
16 Maui.



1 This part establishes the Pulehunui community development
2 district and the Pulehunui community development authority to
3 make optimal use of public land for the economic, residential,
4 educational, and social benefit of the people of Hawaii.

5 The legislature finds that the jurisdiction of the
6 authority shall include development within the Pulehunui
7 community development district. Any development within the
8 district shall require a permit from the authority.

9 **§206E-B Definitions.** As used in this part, unless the
10 context otherwise requires:

11 "Authority" means the Pulehunui community development
12 authority.

13 "District" means the Pulehunui community development
14 district established by this part.

15 **§206E-C Pulehunui community development authority; powers;**
16 **members; voting and quorum.** (a) There is established a
17 Pulehunui community development authority, which shall be a body
18 corporate and a public instrumentality of the State, for the
19 purposes of implementing this part. The authority shall be
20 considered as part of the Hawaii community development authority
21 for administrative purposes.



1 (b) Except as otherwise provided by law, the authority may
2 make and execute contracts and all other instruments necessary
3 or convenient for the planning and development of the Pulehunui
4 community development district.

5 (c) The authority shall consist of:

6 (1) The director of finance or the director's designee;

7 (2) The director of transportation or the director's
8 designee;

9 (3) The chairperson of the board of land and natural
10 resources or the chairperson's designee;

11 (4) The comptroller or the comptroller's designee;

12 (5) The adjutant general or the adjutant general's
13 designee;

14 (6) The director of public safety or the director's
15 designee;

16 (7) The executive director of the Hawaii community
17 development authority or the executive director's
18 designee;

19 (8) The mayor of the county in which the Pulehunui
20 community development district is located or the
21 mayor's designee;



1 (9) The chair of the county council of the county in which
2 the Pulehunui community development district is
3 located or the chair's designee;

4 (10) The Hawaii community development authority cultural
5 specialist;

6 (11) A resident of the island of Maui appointed by the
7 president of the senate; and

8 (12) A resident of the island of Maui appointed by the
9 speaker of the house of representatives.

10 All members except the director of finance or the director's
11 designee and the adjutant general or the adjutant general's
12 designee shall serve as voting members and shall be considered
13 in determining quorum and majority. The director of finance or
14 the director's designee and the adjutant general or the adjutant
15 general's designee shall participate in these matters as ex
16 officio, nonvoting members and shall not be considered in
17 determining quorum and majority.

18 (c) Six voting members of the advisory council shall
19 constitute a quorum to do business, and any action taken by the
20 authority shall be validated by a majority of the quorum.



1 (d) The authority shall annually elect the chairperson and
2 vice chairperson from among its members.

3 (e) The members of the authority appointed under
4 subsection (b) shall serve without compensation, but each shall
5 be reimbursed for expenses, including travel expenses, incurred
6 in the performance of their duties.

7 **§206E-D District; established; boundaries.** The Pulehunui
8 community development district is established and shall be
9 composed of the following properties:

- 10 (1) TMK 2-3-8-008-001;
11 (2) TMK 2-3-8-008-007;
12 (3) TMK 2-3-8-008-037; and
13 (4) TMK 2-3-8-008-038.

14 **§206E-E Development guidance policies.** The following
15 shall be the development guidance policies generally governing
16 the authority's actions in the district:

- 17 (1) The authority may engage in planning, design, and
18 construction activities within and outside the
19 district; provided that activities outside the
20 district shall relate to infrastructure development,
21 area-wide drainage improvements, roadway realignments



1 and improvements, business and industrial relocation,
2 and other activities the authority deems necessary to
3 carry out development of the district and implement
4 this part. The authority may undertake studies or
5 coordinating activities in conjunction with the county
6 and appropriate state agencies and may address
7 facility systems, industrial relocation, and other
8 activities;

9 (2) Hawaiian archaeological, historic, and cultural sites
10 shall be preserved and protected;

11 (3) Endangered species of flora and fauna shall be
12 preserved to the extent feasible;

13 (4) Land use and development activities within the
14 district shall be coordinated with and, to the extent
15 possible, complement existing county and state
16 policies, plans, and programs affecting the district;
17 and

18 (5) Public facilities within the district shall be
19 planned, located, and developed to support the
20 development policies established by this part for the
21 district and rules adopted pursuant to this chapter.



1 **§206E-F Development district governance; memorandum of**
2 **agreement.** Notwithstanding section 206E-3, for matters
3 affecting the district, the authority and the comptroller shall
4 execute a memorandum of agreement with the appropriate state
5 agencies; provided that for matters affecting TMK 2-3-8-008-037,
6 the executive director of the Hawaii community development
7 authority shall execute a memorandum of agreement with the
8 appropriate state agencies.

9 **§206E-G Annual comprehensive report.** Not less than twenty
10 days prior to the convening of each regular session of the
11 legislature, the authority shall submit to the legislature an
12 annual comprehensive status report on the progress of
13 development within the district."

14 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§206E- Contracts with the federal government. (a)

18 The authority may:

19 (1) Borrow money or accept grants from the federal
20 government for or in aid of any development project



1 the authority is authorized to undertake pursuant to
2 this chapter;

3 (2) Procure insurance or guarantees from the federal
4 government for the payment of any debts or parts
5 thereof secured by mortgages made or held by the
6 authority;

7 (3) Comply with any conditions required by the federal
8 government in any contract for financial assistance;
9 and

10 (4) Execute contracts with the federal government.

11 (b) It is the purpose and intent of this section to
12 authorize the authority to do any and all things necessary to
13 secure the financial aid and the cooperation of the federal
14 government in the undertaking, construction, maintenance, and
15 operation of any development within a district that the
16 authority is empowered to undertake."

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

19 "(b) The authority shall consist of the director of
20 finance or the director's designee; the director of
21 transportation or the director's designee; a cultural



1 specialist; an at-large member; an at-large member nominated by
2 the senate president; an at-large member nominated by the
3 speaker of the house; three representatives of the Heeia
4 community development district, comprising two residents of that
5 district or the Koolaupoko district, which consists of sections
6 1 through 9 of zone 4 of the first tax map key division, and one
7 owner of a small business or one officer or director of a
8 nonprofit organization in the Heeia community development
9 district or Koolaupoko district, nominated by the county council
10 of the county in which the Heeia community development district
11 is located; three representatives of the Kalaeloa community
12 development district, comprising two residents of the Ewa zone
13 (zone 9, sections 1 through 2) or the Waianae zone (zone 8,
14 sections 1 through 9) of the first tax map key division, and one
15 owner of a small business or one officer or director of a
16 nonprofit organization in the Ewa or Waianae zone, nominated by
17 the county council of the county in which the Kalaeloa community
18 development district is located; three representatives of the
19 Kakaako community development district, comprising two residents
20 of the district and one owner of a small business or one officer
21 or director of a nonprofit organization in the district,



1 nominated by the county council of the county in which the
2 Kakaako community development district is located; the director
3 of planning and permitting of each county in which a community
4 development district is located or the director's designee, who
5 shall serve in an ex officio, nonvoting capacity; and the
6 chairperson of the Hawaiian homes commission or the
7 chairperson's designee, who shall serve in an ex officio,
8 nonvoting capacity.

9 All members except the director of finance, director of
10 transportation, county directors of planning and permitting, and
11 chairperson of the Hawaiian homes commission or their designees
12 shall be appointed by the governor pursuant to section 26-34.
13 The two at-large members nominated by the senate president and
14 speaker of the house and the nine representatives of the
15 respective community development districts shall each be
16 appointed by the governor from a list of three nominees
17 submitted for each position by the nominating authority
18 specified in this subsection.

19 The authority shall be organized and shall exercise
20 jurisdiction as follows:



1 (1) For matters affecting the Heeia community development
2 district, the following members shall be considered in
3 determining quorum and majority and shall be eligible
4 to vote:

5 (A) The director of finance or the director's
6 designee;

7 (B) The director of transportation or the director's
8 designee;

9 (C) The cultural specialist;

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

11 (E) The three representatives of the Heeia community
12 development district;

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

18 (2) For matters affecting the Kalaeloa community
19 development district, the following members shall be
20 considered in determining quorum and majority and
21 shall be eligible to vote:



- 1 (A) The director of finance or the director's
2 designee;
- 3 (B) The director of transportation or the director's
4 designee;
- 5 (C) The cultural specialist;
- 6 (D) The three at-large members; and
- 7 (E) The three representatives of the Kalaeloa
8 community development district;
- 9 provided that the director of planning and permitting
10 of the relevant county and the chairperson of the
11 Hawaiian homes commission, or their respective
12 designees, shall participate in these matters as ex
13 officio, nonvoting members and shall not be considered
14 in determining quorum and majority;
- 15 (3) For matters affecting the Kakaako community
16 development district, the following members shall be
17 considered in determining quorum and majority and
18 shall be eligible to vote:
- 19 (A) The director of finance or the director's
20 designee;



1 (B) The director of transportation or the director's
2 designee;

3 (C) The cultural specialist;

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

5 (E) The three representatives of the Kakaako
6 community development district;

7 provided that the director of planning and permitting
8 of the relevant county or the director's designee
9 shall participate in these matters as an ex officio,
10 nonvoting member and shall not be considered in
11 determining quorum and majority[-]; and

12 (4) For matters affecting the Pulehunui community
13 development district, membership for determining
14 quorum, majority, and voting authority shall be as
15 provided under section 206E-C.

16 In the event of a vacancy, a member shall be appointed to
17 fill the vacancy in the same manner as the original appointment
18 within thirty days of the vacancy or within ten days of the
19 senate's rejection of a previous appointment, as applicable.

20 The terms of the director of finance, director of
21 transportation, county directors of planning and permitting, and



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

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

15 Notwithstanding section 92-15, a majority of all eligible
16 voting members as specified in this subsection shall constitute
17 a quorum to do business, and the concurrence of a majority of
18 all eligible voting members as specified in this subsection
19 shall be necessary to make any action of the authority valid.
20 All members shall continue in office until their respective
21 successors have been appointed and qualified. Except as herein



1 provided, no member appointed under this subsection shall be an
2 officer or employee of the State or its political subdivisions.

3 For purposes of this section, "small business" means a
4 business which is independently owned and which is not dominant
5 in its field of operation."

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2020-2021 for
9 development of the Pulehunui community development district.

10 The sum appropriated shall be expended by the Hawaii
11 community development authority for the purposes of this Act.

12 SECTION 5. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2020-2021 for
15 two full-time equivalent (2.00 FTE) positions to carry out the
16 purposes of this Act.

17 The sum appropriated shall be expended by the Hawaii
18 community development authority for the purposes of this Act.

19 SECTION 6. In codifying the new sections added by
20 section 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

HCDA; Pulehunui Community Development District; Federal
Financial Aid; Appropriation

Description:

Establishes the Pulehunui community development authority on the island of Maui as an autonomous community development authority under the Hawaii Community Development Authority for the purposes of developing the Pulehunui community development district. Authorizes the Hawaii Community Development Authority to obtain various forms of financial aid from the federal government for projects of the authority. Appropriates funds for the development of the Pulehunui community development district and establishment of two full-time equivalent (2.00 FTE) positions. Effective 7/1/2050. (HD1)

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