
A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

PART I

SECTION 1. Section 206E-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The authority shall consist of the director of finance or the director's designee; the director of transportation or the director's designee; a cultural specialist; an at-large member; an at-large member nominated by the ~~senate~~ president ~~of the senate~~; an at-large member nominated by the speaker of the house ~~of representatives~~; three representatives of the Heeia community development district, comprising two residents of that district or the Koolaupoko district, which consists of sections 1 through 9 of zone 4 of the first tax map key division, and one owner of a small business or one officer or director of a nonprofit organization in the Heeia community development district or Koolaupoko district ~~[, nominated by the county council of the county in which the Heeia community development district is~~



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

20 All members except the director of finance, director of
21 transportation, county directors of planning and permitting, and



1 chairperson of the Hawaiian homes commission or their designees
2 shall be appointed by the governor pursuant to section 26-34.
3 The two at-large members nominated by the [~~senate~~] president of
4 the senate and speaker of the house of representatives [~~and the~~
5 ~~nine representatives of the respective community development~~
6 ~~districts~~] shall each be appointed by the governor from a list
7 of three nominees submitted for each position by the nominating
8 authority specified in this subsection. The president of the
9 senate and the speaker of the house of representatives shall
10 each submit a list of three nominees to the governor for each of
11 the nine representative positions of the respective community
12 development district. For each community development district,
13 the governor shall appoint one member from a list of nominees
14 submitted by the president of the senate, one member from a list
15 of nominees submitted by the speaker of the house of
16 representatives, and one member without regard to the lists of
17 nominees submitted by the president of the senate and the
18 speaker of the house of representatives; provided that the
19 representatives appointed by the governor shall meet the other
20 eligibility requirements of this subsection.



1 The authority shall be organized and shall exercise
2 jurisdiction as follows:

3 (1) For matters affecting the Heeia community development
4 district, the following members shall be considered in
5 determining quorum and majority and shall be eligible
6 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 Heeia community
14 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 (2) For matters affecting the Kalaeloa community
21 development district, the following members shall be



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

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

18 The terms of the director of finance, director of
19 transportation, county directors of planning and permitting, and
20 chairperson of the Hawaiian homes commission or their respective
21 designees shall run concurrently with each official's term of

1 office. The terms of the appointed voting members shall be for
2 four years, commencing on July 1 and expiring on June 30;
3 provided that the initial terms of all voting members initially
4 appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall
5 commence on March 1, 2015. The governor shall provide for
6 staggered terms of the initially appointed voting members so
7 that the initial terms of four members selected by lot shall be
8 for two years, the initial terms of four members selected by lot
9 shall be for three years, and the initial terms of the remaining
10 five members shall be for four years.

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

13 Notwithstanding section 92-15, a majority of all eligible
14 voting members as specified in this subsection shall constitute
15 a quorum to do business, and the concurrence of a majority of
16 all eligible voting members as specified in this subsection
17 shall be necessary to make any action of the authority valid.
18 All members shall continue in office until their respective
19 successors have been appointed and qualified. Except as herein
20 provided, no member appointed under this subsection shall be an
21 officer or employee of the State or its political subdivisions.



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

4 SECTION 2. Section 206E-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§206E-4 Powers; generally.** (a) Except as otherwise
7 limited by this chapter, the authority may:

- 8 (1) Sue and be sued;
- 9 (2) Have a seal and alter the same at pleasure;
- 10 (3) Make and execute contracts and all other instruments
11 necessary or convenient for the exercise of its powers
12 and functions under this chapter;
- 13 (4) Make and alter bylaws for its organization and
14 internal management;
- 15 (5) Make rules with respect to its projects, operations,
16 properties, and facilities, which rules shall be in
17 conformance with chapter 91;
- 18 (6) Through its executive director appoint officers,
19 agents, and employees, prescribe their duties and
20 qualifications, and fix their salaries, without regard
21 to chapter 76;



- 1 (7) Prepare or cause to be prepared a community
2 development plan for all designated community
3 development districts;
- 4 (8) Acquire, reacquire, or contract to acquire or
5 reacquire by grant or purchase real, personal, or
6 mixed property or any interest therein; to own, hold,
7 clear, improve, and rehabilitate, and to sell, assign,
8 exchange, transfer, convey, lease, or otherwise
9 dispose of or encumber the same;
- 10 (9) Acquire or reacquire by condemnation real, personal,
11 or mixed property or any interest therein for public
12 facilities, including but not limited to streets,
13 sidewalks, parks, schools, and other public
14 improvements;
- 15 (10) By itself, or in partnership with qualified persons,
16 acquire, reacquire, construct, reconstruct,
17 rehabilitate, improve, alter, or repair or provide for
18 the construction, reconstruction, improvement,
19 alteration, or repair of any project; own, hold, sell,
20 assign, transfer, convey, exchange, lease, or
21 otherwise dispose of or encumber any project, and in



1 the case of the sale of any project, accept a purchase
2 money mortgage in connection therewith; and repurchase
3 or otherwise acquire any project that the authority
4 has theretofore sold or otherwise conveyed,
5 transferred, or disposed of;

6 (11) Arrange or contract for the planning, replanning,
7 opening, grading, or closing of streets, roads,
8 roadways, alleys, or other places, or for the
9 furnishing of facilities or for the acquisition of
10 property or property rights or for the furnishing of
11 property or services in connection with a project;

12 (12) Grant options to purchase any project or to renew any
13 lease entered into by it in connection with any of its
14 projects, on terms and conditions as it deems
15 advisable;

16 (13) Prepare or cause to be prepared plans, specifications,
17 designs, and estimates of costs for the construction,
18 reconstruction, rehabilitation, improvement,
19 alteration, or repair of any project, and from time to
20 time to modify the plans, specifications, designs, or
21 estimates;



- 1 (14) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, to carry out the purposes of this
5 chapter, and engage the services of consultants on a
6 contractual basis for rendering professional and
7 technical assistance and advice;
- 8 (15) Procure insurance against any loss in connection with
9 its property and other assets and operations in
10 amounts and from insurers as it deems desirable;
- 11 (16) Contract for and accept gifts or grants in any form
12 from any public agency or from any other source;
- 13 (17) Do any and all things necessary to carry out its
14 purposes and exercise the powers given and granted in
15 this chapter; and
- 16 (18) Allow satisfaction of any affordable housing
17 requirements imposed by the authority upon any
18 proposed development project through the construction
19 of reserved housing, as defined in section 206E-101,
20 by a person on land located outside the geographic
21 boundaries of the authority's jurisdiction; provided



1 that the authority may permit cash payments in lieu of
2 providing reserved housing. The substituted housing
3 shall be located on the same island as the development
4 project and shall be substantially equal in value to
5 the required reserved housing units that were to be
6 developed on site. The authority shall establish the
7 following priority in the development of reserved
8 housing:

- 9 (A) Within the community development district;
10 (B) Within areas immediately surrounding the
11 community development district;
12 (C) Areas within the central urban core; and
13 (D) In outlying areas within the same island as the
14 development project.

15 The Hawaii community development authority shall
16 adopt rules relating to the approval of reserved
17 housing that are developed outside of a community
18 development district. The rules shall include, but
19 are not limited to, the establishment of guidelines to
20 ensure compliance with the above priorities.



1 much thereof as may be necessary for fiscal year 2019-2020 for
2 the [~~establishment and~~] development of the stadium [~~development~~
3 ~~district~~] authority property for public use.

4 The sum appropriated shall be expended by the [~~Hawaii~~
5 ~~community development~~] stadium authority for the purposes of
6 this Act; provided that the appropriation shall not lapse at the
7 end of the fiscal year for which the appropriation is made;
8 provided further that all moneys unencumbered as of June 30,
9 2022, shall lapse as of that date.

10 SECTION 5. The legislature finds and declares that the
11 issuance of revenue bonds under this Act is in the public
12 interest and for the public health, safety, and general welfare.
13 Pursuant to part III, chapter 39, Hawaii Revised Statutes.
14 Accordingly, the [~~Hawaii community development~~] stadium
15 authority, with the approval of the governor, may issue in one
16 or more series revenue bonds in a total amount not to exceed
17 \$180,000,000 for the [~~Hawaii community development~~] stadium
18 authority to implement the [~~stadium development district as~~
19 ~~provided for in part~~], chapter 206E, Hawaii Revised
20 Statutes.] development of stadium authority property for public
21 use.



1 The proceeds of the revenue bonds shall be deposited into
2 the [~~Hawaii community development revolving~~] _____ fund
3 created in section [~~206E-167~~] _____, Hawaii Revised Statutes.

4 The revenue bonds authorized under this Act shall be issued
5 pursuant to part III, chapter 39, Hawaii Revised Statutes. The
6 authorization to issue revenue bonds under this Act shall lapse
7 on June 30, 2024.

8 SECTION 6. The director of finance is authorized to issue
9 general obligation bonds in the sum of \$150,000,000 or so much
10 thereof as may be necessary and the same sum or so much thereof
11 as may be necessary is appropriated for fiscal year 2019-2020 to
12 the [~~Hawaii community development~~] stadium authority for the
13 [~~stadium development district~~] development of stadium authority
14 property for public use."

15 PART III

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect on July 1, 2050;
19 provided that the existing representatives of the Heeia
20 community development district, Kalaeloa community development
21 district, and Kakaako community development district shall



- 1 continue to serve until the expiration of their respective
- 2 terms.



Report Title:

HCDA; Membership; Nominating Authority; Stadium Authority;
Stadium Development District; Appropriation

Description:

Amends the nominating authority of the representatives of the Heeia community development district, Kalaeloa community development district, and Kakaako community development district on the Hawaii Community Development Authority. Provides that the Hawaii Community Development Authority shall not have jurisdiction over the development of lands under the Stadium Authority's jurisdiction. Repeals provisions relating to the stadium development district. Amends Act 268, SLH 2019, by making the Stadium Authority responsible for expending the appropriations made by that Act and authorizing the Stadium Authority, rather than the Hawaii Community Development Authority, to issue the revenue bonds authorized by that Act. Effective 7/1/2050. (SD2)

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

