



GOV. MSG. NO. 1291

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

SB2398 SD2 HD2 CD1

RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY.
ACT 190

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

S.B. NO. 2398
S.D. 2
H.D. 2
C.D. 1

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. Chapter 206E, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . PULEHUNUI COMMUNITY DEVELOPMENT DISTRICT

5 §206E- Purposes; findings. The legislature finds that
6 public lands in Pulehunui, Maui, are underutilized.

7 Redeveloping, renovating, or improving these public lands to
8 provide suitable recreational, residential, educational,
9 industrial, governmental, and commercial areas where the public
10 can live, congregate, recreate, attend schools, and shop as part
11 of a thoughtfully integrated experience is in the best interest
12 of the State.

13 §206E- Definitions. As used in this part:

14 "District" means the Pulehunui community development
15 district.

16 "Fund" means the Pulehunui community development district
17 special fund.



1 §206E- District established; boundaries. (a) The
2 Pulehunui community development district is hereby established
3 under the authority.

4 (b) The authority shall serve as the local redevelopment
5 agency for the district.

6 (c) The district shall comprise the following properties:

- 7 (1) TMK 2-3-8-008-001;
- 8 (2) TMK 2-3-8-008-007;
- 9 (3) TMK 2-3-8-008-037; and
- 10 (4) TMK 2-3-8-008-038.

11 §206E- Development policies. The following development
12 policies shall guide the authority in the district:

- 13 (1) Archaeological, historical, and cultural sites shall
14 be preserved and protected in accordance with chapter
15 6E;
- 16 (2) Endangered species of flora and fauna shall be
17 preserved to the extent required by law;
- 18 (3) Land use and development activities within the
19 district shall be coordinated with and, to the extent
20 possible, complement existing county and state



1 policies, plans, and programs affecting the district;

2 and

3 (4) Public facilities within the district shall be
4 planned, located, and developed to support the
5 development policies established by this section and
6 any rules adopted pursuant to this part.

7 §206E- Financial aid from the federal government;
8 contracts with the federal government. (a) The authority may
9 secure financial aid from the federal government for any
10 planning, design, development, construction, and maintenance
11 work that the authority is authorized to undertake pursuant to
12 this part.

13 (b) In addition, and supplemental to the powers granted to
14 the authority under section 206E-4, the authority may:

15 (1) Borrow moneys or accept grants from the federal
16 government in aid of or for any development project
17 the authority is authorized to undertake pursuant to
18 this part;

19 (2) Issue bonds or other evidence of indebtedness and
20 pledge revenues and other assets as security for
21 indebtedness incurred pursuant to this part;



- 1 (3) Repay any indebtedness, including any interest
2 incurred thereon by the authority pursuant to this
3 part;
- 4 (4) Procure insurance or loan guarantees from the federal
5 government for the payment of any debts or parts
6 thereof secured by mortgages made by or held by the
7 authority;
- 8 (5) Execute contracts with the federal government in
9 accordance with this part; and
- 10 (6) Comply with terms and conditions required by the
11 federal government in any contract or grant for
12 federal assistance.
- 13 (c) It is the purpose and intent of this section to
14 authorize the authority to do all things necessary to secure the
15 cooperation of and financial aid from the federal government for
16 any planning, design, development, construction, and maintenance
17 work that the authority is authorized to undertake pursuant to
18 this part.
- 19 §206E- Pulehunui community development district special
20 fund. (a) There is established in the state treasury the



1 Pulehunui community development district special fund, into
2 which shall be deposited:

3 (1) All revenues, income, and receipts of the authority
4 for the district;

5 (2) Moneys directed, allocated, or disbursed to the
6 district from government agencies or private
7 individuals or organizations, including grants, gifts,
8 awards, donations, and assessments of landowners for
9 costs to administer and operate the district; and

10 (3) Moneys appropriated to the fund by the legislature.

11 (b) Moneys in the fund shall be used only for the purposes
12 of this part.

13 (c) Investment earnings credited to the assets of the fund
14 shall become assets of the fund.

15 **§206E- Annual comprehensive report.** No later than
16 twenty days prior to the convening of each regular session, the
17 authority shall submit to the legislature an annual
18 comprehensive report on the progress of development within the
19 district."

20 SECTION 2. Section 206E-3, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The authority shall consist of the director of
2 finance or the director's designee; the director of
3 transportation or the director's designee; the director of
4 business, economic development, and tourism or the director's
5 designee; the chairperson of the board of land and natural
6 resources; the director of planning or planning and permitting
7 of each county in which a community development district is
8 located or the director's designee; a cultural specialist; [an
9 ~~at-large member,~~] an at-large member nominated by the [senate]
10 president[+] of the senate; an at-large member nominated by the
11 speaker of the house[,- three] of representatives; two
12 representatives of the Heeia community development district,
13 comprising [~~two residents~~] one resident of that district or the
14 Koolaupoko district, which consists of sections 1 through 9 of
15 zone 4 of the first tax map key division, and one owner of a
16 small business or one officer or director of a nonprofit
17 organization in the Heeia community development district or
18 Koolaupoko district [~~, nominated by the county council of the~~
19 ~~county in which the Heeia community development district is~~
20 ~~located, three]; two representatives of the Kalaeloa community
21 development district, comprising [~~two residents~~] one resident of~~



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



1 officer or director of a nonprofit organization on the island of
2 Maui.

3 All members except the director of finance, director of
4 transportation, county directors of planning or planning and
5 permitting, [~~and chairperson of the Hawaiian homes commission or~~
6 ~~their designees~~] director of business, economic development, and
7 tourism, chairperson of the board of land and natural resources,
8 or their respective designees shall be appointed by the governor
9 pursuant to section 26-34. The two at-large members nominated
10 by the [~~senate~~] president of the senate and speaker of the house
11 [~~and the nine representatives of the respective community~~
12 ~~development districts~~] of representatives shall each be invited
13 to serve and appointed by the governor from a list of three
14 nominees submitted for each position by the nominating authority
15 specified in this subsection.

16 The president of the senate and the speaker of the house of
17 representatives shall each submit a list of six nominees for
18 each district to the governor to fill the two district
19 representative positions for each community development
20 district. For each community development district, the governor
21 shall appoint one member from a list of nominees submitted by



1 the president of the senate and one member from a list of
2 nominees submitted by the speaker of the house of
3 representatives, and of the two appointees, one shall meet the
4 district residency requirement and one shall meet the district
5 small business owner or nonprofit organization officer or
6 director requirement.

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 director of business, economic development,
18 and tourism or the director's designee;

19 (D) The director of planning and permitting for the
20 county in which the Heeia community development
21 district is located or the director's designee;



- 1 ~~[(C)]~~ (E) The cultural specialist;
- 2 ~~[(D)]~~ (F) The ~~[three]~~ two at-large members; and
- 3 ~~[(E)]~~ (G) The ~~[three]~~ two representatives of the Heeia
- 4 community development district;

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

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

- 14 (A) The director of finance or the director's
- 15 designee;
- 16 (B) The director of transportation or the director's
- 17 designee;
- 18 (C) The director of business, economic development,
- 19 and tourism or the director's designee;
- 20 (D) The director of planning and permitting for the
- 21 county in which the Kalaeloa community



1 development district is located or the director's
2 designee;

3 [~~(C)~~] (E) The cultural specialist;

4 [~~(D)~~] (F) The [~~three~~] two at-large members; and

5 [~~(E)~~] (G) The [~~three~~] two representatives of the
6 Kalaeloa community development district;

7 ~~[provided that the director of planning and permitting~~
8 ~~of the relevant county and the chairperson of the~~
9 ~~Hawaiian homes commission, or their respective~~
10 ~~designees, shall participate in these matters as ex~~
11 ~~officio, nonvoting members and shall not be considered~~
12 ~~in determining quorum and majority,]~~

13 (3) For matters affecting the Kakaako community
14 development district, the following members shall be
15 considered in determining quorum and majority and
16 shall be eligible to vote:

17 (A) The director of finance or the director's
18 designee;

19 (B) The director of transportation or the director's
20 designee;



- 1 (B) The director of transportation or the director's
- 2 designee;
- 3 (C) The director of business, economic development,
- 4 and tourism or the director's designee;
- 5 (D) The director of planning for the county in which
- 6 the Pulehunui community development district is
- 7 located or the director's designee;
- 8 (E) The chairperson of the board of land and natural
- 9 resources or the chairperson's designee;
- 10 (F) The cultural specialist;
- 11 (G) The two at-large members; and
- 12 (H) The two representatives of the Pulehunui
- 13 community development district.

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[7]; director of

19 transportation[7]; county directors of planning and permitting[7]

20 ~~and chairperson of the Hawaiian homes commission~~; director of

21 business, economic development, and tourism; and chairperson of



1 the board of land and natural resources; 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 [~~7~~
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~~] three 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~~] that is independently owned and [~~which~~] that is
5 not dominant in its field of operation."

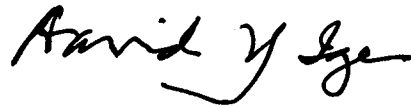
6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.



S.B. NO. 2398
S.D. 2
H.D. 2
C.D. 1

APPROVED this 27th day of June, 2022


A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a prominent loop at the end of the last name.


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.


President of the Senate


Clerk of the Senate

SB No. 2398, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives