

JAN 19 2007

A BILL FOR AN ACT

RELATING TO HAWAIIAN HOMES COMMISSION.

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

1 SECTION 1. Section 204.5 of the Hawaiian Homes Commission
2 Act, 1920, as amended, is amended to read as follows:

3 "**§204.5. Additional powers.** In addition and supplemental
4 to the powers granted to the department by law, and
5 notwithstanding any law to the contrary, the department may:

6 (1) With the approval of the governor[~~r~~] and following a
7 presentation to the appropriate neighborhood board
8 established pursuant to article XIV, revised charter
9 of the city and county of Honolulu, or, in counties
10 with no neighborhood boards, to any community
11 association that would be directly affected, undertake
12 and carry out the development of any Hawaiian home
13 lands available for lease under and pursuant to
14 section 207 of this Act by assembling these lands in
15 residential developments and providing for the
16 construction, reconstruction, improvement, alteration,
17 or repair of public facilities therein, including,



1 without limitation, streets, storm drainage systems,
2 pedestrian ways, water facilities and systems,
3 sidewalks, street lighting, sanitary sewerage
4 facilities and systems, utility and service corridors,
5 and utility lines, where applicable, sufficient to
6 adequately service developable improvements therein,
7 sites for schools, parks, off-street parking
8 facilities, and other community facilities;

- 9 (2) With the approval of the governor[7] and following a
10 presentation to the appropriate neighborhood board
11 established pursuant to article XIV, revised charter
12 of the city and county of Honolulu, or, in counties
13 with no neighborhood boards, to any community
14 association that would be directly affected,
15 undertake and carry out the development of available
16 lands for homestead, commercial, and multipurpose
17 projects as provided in section 220.5 of this Act, as
18 a developer under this section or in association with
19 a developer agreement entered into pursuant to this
20 section by providing for the construction,
21 reconstruction, improvement, alteration, or repair of
22 public facilities for development, including, without



1 limitation, streets, storm drainage systems,
2 pedestrian ways, water facilities and systems,
3 sidewalks, street lighting, sanitary sewerage
4 facilities and systems, utility and service corridors,
5 and utility lines, where applicable, sufficient to
6 adequately service developable improvements therein,
7 sites for schools, parks, off-street parking
8 facilities, and other community facilities;

9 (3) With the approval of the governor, designate by
10 resolution of the commission all or any portion of a
11 development or multiple developments undertaken
12 pursuant to this section an "undertaking" under part
13 III of chapter 39, Hawaii Revised Statutes; and

14 (4) Exercise the powers granted under section 39-53,
15 Hawaii Revised Statutes, including the power to issue
16 revenue bonds from time to time as authorized by the
17 legislature.

18 All provisions of part III of chapter 39, Hawaii Revised
19 Statutes, shall apply to the department and all revenue bonds
20 issued by the department shall be issued pursuant to the
21 provisions of that part, except these revenue bonds shall be



1 issued in the name of the department, and not in the name of the
2 State.

3 As applied to the department, the term "undertaking" as
4 used in part III of chapter 39 shall include a residential
5 development or a development of homestead, commercial, or
6 multipurpose projects under this Act. The term "revenue" as
7 used in part III of chapter 39, shall include all or any portion
8 of the rentals derived from the leasing of Hawaiian home lands
9 or available lands, whether or not the property is a part of the
10 development being financed."

11 SECTION 2. Section 220.5 of the Hawaiian Homes Commission
12 Act, 1920, as amended, is amended by amending subsection (a) to
13 read as follows:

14 "(a) Notwithstanding any law to the contrary, the
15 department is authorized to enter into and carry out contracts
16 to develop available lands for homestead, commercial, and
17 multipurpose projects; provided that the department shall not be
18 subject to the requirements of competitive bidding if no state
19 funds are to be used in the development of the project[-];
20 provided further that any proposed development shall be
21 presented to the appropriate neighborhood board established
22 pursuant to article XIV, revised charter of the city and county



1 of Honolulu, or, in counties with no neighborhood boards, to any
2 community association that would be directly affected."

3 SECTION 3. The provisions of the amendments made by this
4 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
5 declared to be severable, and if any section, sentence, clause,
6 or phrase, or the application thereof to any person or
7 circumstances is held ineffective because there is a requirement
8 of having the consent of the United States to take effect, then
9 that portion only shall take effect upon the granting of consent
10 by the United States and effectiveness of the remainder of these
11 amendments or the application thereof shall not be affected.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.
15

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Report Title:

Hawaiian Homes Commission; Neighborhood Boards

Description:

Requires the presentation to the neighborhood board or community association for any development by the department of Hawaiian home lands.

