
A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

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

1 SECTION 1. The legislature finds that Congress through the
2 Hawaiian Homes Commission Act, 1920, as amended, set aside lands
3 to be used for the benefit of native Hawaiians. As required by
4 the Admission Act and as a compact with the United States, the
5 State of Hawaii and the people of Hawaii adopted the Hawaiian
6 Homes Commission Act, 1920, as amended, as a provision of the
7 Constitution of the State of Hawaii and agreed to faithfully
8 carry out the spirit of the Hawaiian Homes Commission Act, 1920,
9 as amended, for the rehabilitation of the Hawaiian race. These
10 trust responsibilities remain to this day.

11 Given this unique and significant history, the Hawaiian
12 homes commission should be allowed to retain independent legal
13 counsel. At the same time, the option of utilizing the services
14 of the attorney general as needed should remain available.

15 Accordingly, the purpose of this Act is to allow the
16 Hawaiian homes commission to retain independent legal counsel.

17 SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is
18 amended as follows:

.B. NO.

1 (1) By amending subsection (a) to read as follows:

2 "(a) No department of the State other than the attorney
3 general may employ or retain any attorney, by contract or
4 otherwise, for the purpose of representing the State or the
5 department in any litigation, rendering legal counsel to the
6 department, or drafting legal documents for the department;
7 provided that the foregoing provision shall not apply to the
8 employment or retention of attorneys:

9 (1) By the public utilities commission, the labor and
10 industrial relations appeals board, and the Hawaii
11 labor relations board;

12 (2) By any court or judicial or legislative office of the
13 State; provided that if the attorney general is
14 requested to provide representation to a court or
15 judicial office by the chief justice or the chief
16 justice's designee, or to a legislative office by the
17 speaker of the house of representatives and the
18 president of the senate jointly, and the attorney
19 general declines to provide such representation on
20 the grounds of conflict of interest, the attorney
21 general shall retain an attorney for the court,

.B. NO.

- 1 judicial, or legislative office, subject to approval
2 by the court, judicial, or legislative office;
3 (3) By the legislative reference bureau;
4 (4) By any compilation commission that may be constituted
5 from time to time;
6 (5) By the real estate commission for any action involving
7 the real estate recovery fund;
8 (6) By the contractors license board for any action
9 involving the contractors recovery fund;
10 (7) By the office of Hawaiian affairs;
11 (8) By the department of commerce and consumer affairs for
12 the enforcement of violations of chapters 480 and
13 485A;
14 (9) As grand jury counsel;
15 (10) By the Hawaii health systems corporation, or its
16 regional system boards, or any of their facilities;
17 (11) By the auditor;
18 (12) By the office of ombudsman;
19 (13) By the insurance division;
20 (14) By the [~~University~~] university of Hawaii;
21 (15) By the Kahoolawe island reserve commission;
22 (16) By the division of consumer advocacy;

.B. NO.

- 1 (17) By the office of elections;
- 2 (18) By the campaign spending commission;
- 3 (19) By the Hawaii tourism authority, as provided in
- 4 section 201B-2.5;
- 5 (20) By the division of financial institutions;
- 6 (21) By the office of information practices;
- 7 (22) By the school facilities authority;
- 8 (23) By the Mauna Kea stewardship and oversight authority;
- 9 [~~or~~]
- 10 (24) By the Hawaiian homes commission; provided that:
- 11 (A) The Hawaiian homes commission may use the
- 12 services of the attorney general as needed; and
- 13 (B) Legal fees owed to independent counsel shall be
- 14 paid by the State; or
- 15 [~~(24)~~] (25) By a department, if the attorney general, for
- 16 reasons deemed by the attorney general to be good and
- 17 sufficient, declines to employ or retain an attorney
- 18 for a department; provided that the governor waives
- 19 the provision of this section."
- 20 (2) By amending subsection (c) to read as follows:
- 21 "(c) Every attorney employed by any department on a full-
- 22 time basis, except an attorney employed by the public utilities

.B. NO.

Report Title:

HHC; Department of the Attorney General; Independent Legal Counsel

Description:

Allows the Hawaiian Homes Commission to retain independent legal counsel. Authorizes the Hawaiian Homes Commission to use the services of the Attorney General as needed. Provides that funds owed to independent legal counsel shall be paid by the State.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDEPENDENT LEGAL COUNSEL.

PURPOSE: To allow the Hawaiian Homes Commission to have the authority to retain independent legal counsel to be paid with prospective special funds or prospective appropriations by the State and also use the services of the Attorney General as needed.

MEANS: Amend section 28-8.3(a) and (c), Hawaii Revised Statutes.

JUSTIFICATION: The Hawaiian Homes Commission has a fiduciary duty to its beneficiaries and in the fulfillment of its obligations, the Hawaiian Homes Commission may at times be at odds with the interests of the State. It is at these times that the Hawaiian Homes Commission must be assured that its counsel provides legal guidance strictly in the interest of its client. Independent counsel that is hired and retained by the Hawaiian Homes Commission eliminates any cloud of uncertainty that there may be a conflict of interest where the Hawaiian Homes Commission is represented by the Department of the Attorney General that also represents the State of Hawaii.

Impact on the public: This bill will further protect the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Hawaiian Homes Commission to retain independent legal counsel.

Impact on the department and other agencies: This bill could reduce the legal services provided by the Department of the Attorney General.

GENERAL FUND: \$500,000.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Department of the Attorney General.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

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

1 SECTION 1. The legislature finds that section 174C-101(a),
2 Hawaii Revised Statutes, requires decisions of the commission on
3 water resource management to incorporate and protect adequate
4 reserves of water for current and foreseeable development and
5 use of Hawaiian home lands. The purpose of this Act is to add
6 the chairperson of the Hawaiian homes commission, or the
7 chairperson's designee, to the commission on water resource
8 management in a similar ex officio membership as the director of
9 health or the director's designee.

10 SECTION 2. Section 174C-7, Hawaii Revised Statutes, is
11 amended by amending subsections (a) and (b) to read as follows:

12 "(a) There is established within the department a
13 commission on water resource management consisting of [~~seven~~
14 eight members which shall have exclusive jurisdiction and final
15 authority in all matters relating to implementation and
16 administration of the state water code, except as otherwise
17 specifically provided in this chapter.

____.B. NO.____

Report Title:

Commission on Water Resource Management; Membership

Description:

Adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Commission on Water Resource Management. Increases number of commission members from seven to eight, with only five of eight required to have substantial experience in water resource management.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

PURPOSE: To add the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Commission on Water Resource Management.

MEANS: Amend section 174C-7(a) and (b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The State Water Code requires that decisions of the Commission on Water Resource Management incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian Home Lands. Allowing the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to serve on the Commission on Water Resource Management, would provide an opportunity for the Chairperson or the Chairperson's designee to participate in setting policies, defining uses, and establishing priorities and procedures over land-based surface water and ground water resources, which are key components of the development and use of Hawaiian Home Lands. Clarifies in section 174C-7(b), HRS, that only five water commission members selected by the Governor must have substantial experience in the area of water resource management.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to serve as an ex officio voting member of the Commission on Water Resource Management.

Impact on the department and other agencies:

An additional member would serve on the Commission on Water Resource Management.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Commission on Water Resource Management.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that homestead lots or
2 housing developed for the department of Hawaiian home lands
3 awarded to native Hawaiians are offered at affordable rates when
4 compared to similar housing opportunities available in Hawaii.
5 The purpose of this Act is to exempt any development of
6 homestead lots or housing for the department of Hawaiian home
7 lands from general excise and use taxes.

8 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§237- Exemptions for any development of homestead lots
12 or housing for the department of Hawaiian home lands. (a) Any
13 amounts related to planning, design, financing, or construction
14 activities conducted by a qualified person or firm for a new
15 construction, moderate rehabilitation, or substantial
16 rehabilitation project for homestead lots or housing for the
17 department of Hawaiian home lands shall be exempted from the tax

.B. NO.

1 imposed by this chapter, including but not limited to a project
2 developed:

3 (1) Under a government assistance program approved by the
4 department of Hawaiian home lands;

5 (2) Under the sponsorship of a nonprofit organization
6 providing home rehabilitation or new homes on Hawaiian
7 home lands for families qualified under the Hawaiian
8 Home Commission Act, 1920, as amended, in need of
9 decent, low-cost housing; or

10 (3) To provide affordable rental housing where at least
11 fifty per cent of the available units are for
12 households with incomes at or below eighty per cent of
13 the area median family income as determined by the
14 United States Department of Housing and Urban
15 Development.

16 (b) All claims for exemption under this section shall be
17 filed with and certified by the department of Hawaiian home
18 lands and forwarded to the department of taxation by the
19 claimant.

20 (c) For purposes of this section:

21 "Homestead lot" means a lot of residential, agricultural,
22 or pastoral use to be awarded pursuant to the Hawaiian Homes

.B. NO.

1 Commission Act, 1920, as amended, including but not limited to
2 on- and off-site infrastructure requirements, appurtenances, and
3 dwelling units.

4 "Moderate rehabilitation" shall have the same meaning as
5 defined in section 201H-36(d).

6 "Qualified person or firm" means any individual,
7 partnership, joint venture, corporation, association, limited
8 liability partnership, limited liability company, business,
9 trust, or any organized group of persons or legal entities, or
10 any combination thereof, that possesses all professional or
11 vocational licenses necessary to do business in the State.

12 "Substantial rehabilitation" shall have the same meaning as
13 defined in section 201H-36(d)."

14 SECTION 3. Section 238-3, Hawaii Revised Statutes, is
15 amended by amending subsection (j) to read as follows:

16 "(j) The tax imposed by this chapter shall not apply to
17 any use of property, services, or contracting exempted by
18 section 237-26 [~~o~~], section 237-29[~~o~~], or section 237-."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act, upon its approval, shall take effect
22 on January 1, 2026.

_____.B. NO._____

1

2

3

INTRODUCED BY: _____

BY REQUEST

_____.B. NO._____

Report Title:

DHHL; General Excise Tax Exemption; Use Tax Exemption

Description:

Exempts any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise and use taxes.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: To exempt any development of homestead lots or housing for the Department from general excise and use taxes.

MEANS: Add a new section to chapter 237 and amend section 238-3(j), Hawaii Revised Statutes.

JUSTIFICATION: The savings resulting from the exemption from general excise and use taxes that the Department can potentially accrue from this bill would be applied to the development of additional housing and associated infrastructure. This additional saving would allow the Department to more fully commit the funding received toward its mission, development of more homestead lots or housing units for beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by exempting any development of homestead lots or housing for the Department from general excise and use taxes.

Impact on the department and other agencies: More funding could be allocated toward the development of homestead lots or housing.

GENERAL FUND: \$1,500,000 is the estimated annual GET revenue loss.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES:

Department of Taxation and Department of
Budget and Finance.

EFFECTIVE DATE:

January 1, 2026.

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS.

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

1 SECTION 1. The legislature finds that section 6E-8, Hawaii
2 Revised Statutes, plays an important role in the protection and
3 management of the State's historic properties and burial sites.
4 Section 6E-8(b) requires the department of Hawaiian home lands,
5 prior to any proposed project relating to lands under its
6 jurisdiction, to consult with the department of land and natural
7 resources regarding the effect of the project upon historic
8 property or a burial site. The purpose of this Act is to allow
9 the department of Hawaiian home lands to review the effect of
10 any proposed project on historic properties or burial sites for
11 lands under its jurisdiction.

12 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) [The] Notwithstanding subsection (a), the department
15 of Hawaiian home lands [, prior to] may review the effect of any
16 proposed project relating to lands under its jurisdiction [,]
17 ~~shall consult with the department regarding the effect of the~~
18 ~~project] upon historic property or a burial site[-], subject to~~

.B. NO.

1 this chapter and to any administrative rule adopted thereunder;
2 provided that the department of Hawaiian home lands shall:

3 (1) Designate the review to a Hawaiian home lands
4 preservation officer who has professional competence
5 and experience in the field of historic preservation
6 and who has received a written delegation of authority
7 to review the effect of department of Hawaiian home
8 land projects on historic property or a burial site
9 from the state historic preservation officer;

10 (2) Ensure that copies of all reports, maps, and
11 documents, including those reflecting the Hawaiian
12 home lands preservation official's comments,
13 recommendations, and decisions, are provided to the
14 department to be incorporated into the historic
15 preservation digital document management system and
16 library; and

17 (3) Notify the department that the department of Hawaiian
18 home lands will be reviewing the effect when
19 initiating review and provide the department with a
20 copy of the written concurrence or nonconcurrence at
21 the end of the review.

.B. NO.

1 The department shall retain authority for review under this
2 section for projects affecting properties listed or nominated
3 for inclusion in the Hawaii register of historic places or the
4 national register of historic places."

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

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

8

9

INTRODUCED BY: _____

BY REQUEST

10

_____.B. NO._____

Report Title:

Historic Preservation; DHHL; Project Reviews

Description:

Allows the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION REVIEWS.

PURPOSE: To allow the Department to review the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

MEANS: Amend section 6E-8(b), Hawaii Revised Statutes.

JUSTIFICATION: Instead of requiring the Department to consult with the Department of Land and Natural Resources (DLNR) regarding the effect of a project upon historic properties or burial sites, this bill would streamline the process by allowing the Department to conduct this review, which would allow for the ability to expedite the construction of proposed projects.

Impact on the public: This bill advances the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by streamlining the review process for any proposed project on Hawaiian home lands to ensure the timely review and development of proposed projects by the Department.

Impact on the department and other agencies: The DLNR would not be responsible for reviewing the effect of any proposed project for lands under the jurisdiction of the Department, except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places. DLNR would be able to utilize resources and

staff to serve other state agencies seeking review of the effect of proposed projects.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: DLNR. Agencies that seek state review of the effect of proposed projects from DLNR.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO SCHOOL IMPACT FEES.

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

1 SECTION 1. Section 302A-1603, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The following shall be exempt from this section:

4 (1) Any form of housing permanently excluding school-aged
5 children, with necessary covenants or declarations of
6 restrictions recorded on the property;

7 (2) Any form of housing that is or will be paying the
8 transient accommodations tax under chapter 237D;

9 (3) All nonresidential development;

10 (4) Any development with an executed education
11 contribution agreement or other like document with the
12 authority or the department for the contribution of
13 school sites or payment of fees for school land or
14 school construction; ~~and~~

15 (5) Any form of development by the Hawaii community
16 development authority pursuant to part XII of chapter
17 206E~~[]~~; and

.B. NO.

1 (6) Any form of housing developed by the department of
2 Hawaiian home lands for use by beneficiaries of the
3 Hawaiian Homes Commission Act, 1920, as amended."

4 SECTION 2. This Act does not affect rights and duties that
5 matured penalties that were incurred, and proceedings that were
6 begun before its effective date.

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

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

10

11

INTRODUCED BY: _____

12

BY REQUEST

____.B. NO.____

Report Title:

DHHL; School Impact Fees; Education; Housing

Description:

Exempts housing developed by the Department of Hawaiian Home Lands from school impact fees.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO SCHOOL IMPACT FEES.

PURPOSE: To exempt housing developed by the Department of Hawaiian Home Lands from school impact fees.

MEANS: Amend section 302A-1603(b), Hawaii Revised Statutes.

JUSTIFICATION: The Department leases some of its lands for educational facilities, including public schools, public charter schools, early learning facilities, and other similar facilities at minimal to no cost. Additionally, the Department often accounts for the educational facilities that may be needed to support the community when it develops its affordable housing. Exempting housing developed by the Department from school impact fees allows more homes to be developed for beneficiaries. To better manage the State's trust responsibilities under the Hawaiian Homes Commission Act, 1920, as amended, any housing developed by the Department should be exempt from school impact fees.

Impact on the public: This bill will protect the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, and the public, by exempting any housing developed by the Department from school impact fees.

Impact on the department and other agencies: Better balancing of the Department's contribution to schools.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: Department of Education - School Facilities
Authority.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.

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

1 SECTION 1. The legislature finds that the Hawaii housing
2 finance and development corporation is tasked with developing
3 and financing low- and moderate- income housing projects and
4 administering homeownership programs. The purpose of this Act
5 is to add the chairperson of the Hawaiian homes commission, or
6 the chairperson's designee, to the board of directors of the
7 Hawaii housing finance and development corporation.

8 SECTION 2. Section 201H-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§201H-3 Board; establishment, functions, duties.** (a)
11 There is created a board of directors of the Hawaii housing
12 finance and development corporation consisting of [~~nine~~] ten
13 members, of whom six shall be public members appointed by the
14 governor as provided in section 26-34. At least four of the
15 public members shall have knowledge and expertise in public or
16 private financing and development of affordable housing. Public
17 members shall be appointed from each of the counties of

.B. NO.

1 Honolulu, Hawaii, Maui, and Kauai. At least one public member
2 shall represent community advocates for low-income housing,
3 affiliated with private nonprofit organizations that serve the
4 residents of low-income housing. The public members of the
5 board shall serve four-year staggered terms; provided that the
6 initial appointments shall be as follows:

- 7 (1) Two members to be appointed for four years;
- 8 (2) Two members to be appointed for three years; and
- 9 (3) Two members to be appointed for two years.

10 The director of business, economic development, and tourism
11 [~~and~~], the director of finance, and the chairperson of the
12 Hawaiian homes commission, or their designated representatives,
13 and a representative of the governor's office, shall be ex
14 officio[+], [+] voting members. The corporation shall be headed
15 by the board.

16 (b) The board of directors shall select a chairperson and
17 vice chairperson from among its members; provided that the
18 chairperson shall be a public member. The director of business,
19 economic development, and tourism, the director of finance, the
20 chairperson of the Hawaiian homes commission, and the governor's
21 representative shall be ineligible to serve as chairperson of
22 the board.

_____.B. NO._____

Report Title:

HHFDC Board of Directors; Membership

Description:

Adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Board of Directors of the Hawaii Housing Finance and Development Corporation.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.

PURPOSE: To add the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Hawaii Housing Finance and Development Corporation's board of directors.

MEANS: Amend section 201H-3, Hawaii Revised Statutes.

JUSTIFICATION: Adding the Chairperson of the Hawaiian Homes Commission, or the Chairperson's designee, as a member of the board of directors of the Hawaii Housing Finance and Development Corporation provides an opportunity for the Chairperson, or the Chairperson's designee, to participate in setting policies, defining uses, and establishing priorities and procedures for the development, subdivision, and construction of dwelling units in housing projects that the State participates in through the Corporation.

Impact on the public: This bill promotes a more wholistic approach to housing needs and protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Chairperson of the Hawaiian Homes Commission, or the Chairperson's designee, to serve on the board of directors of the Hawaii Housing Finance and Development Corporation.

Impact on the department and other agencies: An additional member would serve on the board of directors of the Hawaii Housing Finance and Development Corporation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: Hawaii Housing Finance and Development
Corporation.

EFFECTIVE DATE: Upon approval.

____.B. NO. _____

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. The legislature finds that the Hawaii community
2 development authority is tasked with promoting and coordinating
3 public and private sector community development and to plan for
4 the development of underutilized areas of Hawaii. The purpose
5 of this Act is to add the chairperson of the Hawaiian homes
6 commission or the chairperson's designee to the Hawaii community
7 development authority.

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

10 "(b) The authority shall consist of the director of
11 finance or the director's designee; the director of
12 transportation or the director's designee; the director of
13 business, economic development, and tourism or the director's
14 designee; the chairperson of the board of land and natural
15 resources[+] or the chairperson's designee; the chairperson of
16 the Hawaiian homes commission or the chairperson's designee; the
17 director of planning or planning and permitting of each county
18 in which a community development district is located or the

.B. NO.

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

.B. NO.

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, director of business, economic development, and
6 tourism, chairperson of the board of land and natural resources,
7 chairperson of the Hawaiian homes commission, or their
8 respective designees shall be appointed by the governor pursuant
9 to section 26-34. The two at-large members nominated by the
10 president of the senate and speaker of the house of
11 representatives shall each be invited to serve and appointed by
12 the governor from a list of three nominees submitted for each
13 position by the nominating authority specified in this
14 subsection.

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

.B. NO.

1 representatives, and of the two appointees, one shall meet the
2 district residency requirement and one shall meet the district
3 small business owner or nonprofit organization officer or
4 director requirement.

5 The authority shall be organized and shall exercise
6 jurisdiction as follows:

7 (1) For matters affecting the Heeia community development
8 district, the following members shall be considered in
9 determining quorum and majority and shall be eligible
10 to vote:

11 (A) The director of finance or the director's
12 designee;

13 (B) The director of transportation or the director's
14 designee;

15 (C) The director of business, economic development,
16 and tourism or the director's designee;

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

20 (E) The cultural specialist;

21 (F) The two at-large members; and

.B. NO.

- 1 (G) The two representatives of the Heeia community
2 development district;
- 3 (2) For matters affecting the Kalaeloa community
4 development district, the following members shall be
5 considered in determining quorum and majority and
6 shall be eligible 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 director of business, economic development,
12 and tourism or the director's designee;
- 13 (D) The director of planning and permitting for the
14 county in which the Kalaeloa community
15 development district is located or the director's
16 designee;
- 17 (E) The chairperson of the Hawaiian homes commission
18 or the chairperson's designee;
- 19 [~~(E)~~] (F) The cultural specialist;
- 20 [~~(F)~~] (G) The two at-large members; and
- 21 [~~(G)~~] (H) The two representatives of the Kalaeloa
22 community development district;

.B. NO.

- 1 (3) For matters affecting the Kakaako community
2 development district, the following members shall be
3 considered in determining quorum and majority and
4 shall be eligible 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 director of business, economic development,
10 and tourism or the director's designee;
- 11 (D) The director of planning and permitting for the
12 county in which the Kakaako community development
13 district is located or the director's designee;
- 14 (E) The cultural specialist;
- 15 (F) The two at-large members; and
- 16 (G) The two representatives of the Kakaako community
17 development district; and
- 18 (4) For matters affecting the Pulehunui community
19 development district, the following members shall be
20 considered in determining quorum and majority and
21 shall be eligible to vote:

.B. NO.

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

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 or planning and

22 permitting; director of business, economic development, and

.B. NO.

1 tourism; [~~and~~] chairperson of the board of land and natural
2 resources; and chairperson of the Hawaiian homes commission; or
3 their respective designees shall run concurrently with each
4 official's term of office. The terms of the appointed voting
5 members shall be for four years, commencing on July 1 and
6 expiring on June 30. The governor shall provide for staggered
7 terms of the initially appointed voting members so that the
8 initial terms of four members selected by lot shall be for two
9 years, the initial terms of four members selected by lot shall
10 be for three years, and the initial terms of the remaining three
11 members shall be for four years.

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

14 Notwithstanding section 92-15, a majority of all eligible
15 voting members as specified in this subsection shall constitute
16 a quorum to do business, and the concurrence of a majority of
17 all eligible voting members as specified in this subsection
18 shall be necessary to make any action of the authority valid.

19 All members shall continue in office until their respective
20 successors have been appointed and qualified. Except as herein
21 provided, no member appointed under this subsection shall be an
22 officer or employee of the State or its political subdivisions.

_____.B. NO._____

Report Title:

HCDA; Membership

Description:

Adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Hawaii Community Development Authority.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

PURPOSE: To add the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Hawaii Community Development Authority.

MEANS: Amend section 206E-3(b), Hawaii Revised Statutes.

JUSTIFICATION: Adding the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee as a member of the Hawaii Community Development Authority provides an opportunity for the Chairperson or the Chairperson's designee to participate in promoting and coordinating public and private sector community development, and to plan for the development of underutilized areas of Hawai'i.

Impact on the public: This bill promotes a more wholistic approach in community development and protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to serve on the Hawaii Community Development Authority.

Impact on the department and other agencies: An additional member would serve on the Hawaii Community Development Authority.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: Hawaii Community Development Authority.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

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

1 SECTION 1. The legislature finds that Act 130, Session
2 Laws of Hawaii 2024, increases the loan limit for direct loans
3 provided by the department of Hawaiian home lands to seventy-
4 five per cent of the maximum single residence loan amount
5 allowed in Hawaii by the United States Department of Housing and
6 Urban Development's Federal Housing Administration, instead of
7 fifty per cent, as currently outlined in section 215 of the
8 Hawaiian Homes Commission Act, 1920, as amended.

9 The purpose of this Act is to confirm that Act 130, Session
10 Laws of Hawaii 2024, shall take effect on either the date of the
11 Secretary of the Interior's notification letter to the
12 Congressional Committee Chairpersons that this Act meets none of
13 the criteria in title 43 Code of Federal Regulations section
14 48.20, or on the date that the United States Congress approval
15 becomes law.

16 SECTION 2. Act 130, Session Laws of Hawaii 2024, is
17 amended by amending section 4 to read as follows:

.B. NO.

1 "SECTION 4. This Act shall take effect [~~upon its approval~~
2 ~~with the consent of the United States Congress;~~] on either the
3 date of the Secretary of the Interior's notification letter to
4 the Congressional Committee Chairpersons that this Act meets
5 none of the criteria in title 43 Code of Federal Regulations
6 section 48.20, or on the date that the United States Congress
7 approval becomes law; provided further that the amendments made
8 to section 215, Hawaiian Homes Commission Act, 1920, as amended,
9 by this Act shall not be repealed when Act 107, Session Laws of
10 Hawaii 2000, or Act 85, Session Laws of Hawaii 2008, takes
11 effect with the consent of the United States Congress."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15

16

INTRODUCED BY: _____

17

BY REQUEST

____.B. NO.____

Report Title:

Department of Hawaiian Home Lands; Hawaiian Homes Commission Act

Description:

Confirms that Act 130, Session Laws of Hawaii 2024, shall take effect on either the date of the Secretary of the Interior's notification letter to the Congressional Committee Chairpersons that this Act meets none of the criteria in title 43 Code of Federal Regulations section 48.20, or on the date that the United States Congress approval becomes law.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

PURPOSE: To amend section 4 of Act 130, Session Laws of Hawaii 2024, to confirm that the Act shall take effect on either the date of the Secretary of the Interior's notification letter to the Congressional Chairpersons that this Act meets none of the criteria in title 43 Code of Federal Regulations section 48.20, or on the date that the United States Congress approval becomes law.

MEANS: Amend section 4 of Act 130, Session Laws of Hawaii 2024.

JUSTIFICATION: This bill will confirm that Act 130, Session Laws of Hawaii 2024, shall take effect on either the date of the Secretary of the Interior's notification letter to the Congressional Chairpersons that this Act meets none of the criteria in title 43 Code of Federal Regulations section 48.20, or on the date that the United States Congress approval becomes law.

Impact on the public: This bill protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by ensuring that Act 130, Sessions Laws of Hawaii 2024, shall take effect on either the date of the Secretary of the Interior's notification letter to the Congressional Chairpersons that this Act meets none of the criteria in title 43 Code of Federal Regulations section 48.20, or on the date that the United States Congress approval becomes law.

Impact on the department and other agencies: The Department of Hawaiian Home Lands will be able to properly effectuate Act 130, Session Laws of Hawaii 2024.

GENERAL FUND: None.
OTHER FUNDS: None.
PPBS PROGRAM
DESIGNATION: HHL 625.
OTHER AFFECTED
AGENCIES: None.
EFFECTIVE DATE: Upon approval.

____.B. NO._____

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1 SECTION 1. The purpose of this Act is to provide follow-up
2 funding to the initial legislation of Act 205, Session Laws of
3 Hawaii 2022, for the next steps in the investigation,
4 exploration, and identification of geothermal resources on
5 Hawaiian home lands, so these resources may be used for the
6 generation, transmission, or production of electricity and
7 renewable energy resources, including but not limited to,
8 hydrogen generation. Geothermal resources can provide stable
9 power, community benefits, and an alternative to biofuels. An
10 appropriation of follow-up funding will allow the department of
11 Hawaiian home lands to drill slim holes at certain sites on
12 Hawaiian home lands, develop water wells, collect geophysical
13 data, and hire consultants to help the department navigate the
14 intricacies of geothermal development.

15 SECTION 2. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$20,000,000 or so
17 much thereof as may be necessary for fiscal year 2025-2026 to
18 fund water well development for geophysical investigation,

B. NO.

1 exploration, and identification of geothermal resources on
2 Hawaiian home lands.

3 The sum appropriated shall be expended by the department of
4 Hawaiian home lands for the purposes of this Act.

5 SECTION 3. This Act, upon its approval, shall take effect
6 on July 1, 2025.

7

8 INTRODUCED BY: _____

9

BY REQUEST

.B. NO.

Report Title:

DHHL; Hawaiian Home Lands; Geothermal Resources; Appropriation

Description:

Appropriates funds to the Department of Hawaiian Home Lands for the investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: To provide follow-up funds from the initial legislation of Act 205, Session Laws of Hawaii 2022, for the next steps in the investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands.

MEANS: Appropriate funds.

JUSTIFICATION: Funds are needed to drill slim holes at certain sites on Hawaiian Home Lands, develop water wells, collect geophysical data, and hire consultants to help the Department navigate the intricacies of geothermal development. This bill will allow the Department to confirm previously detected and speculated hot-spots of geothermal activity on Hawaiian home lands and gather more information for projected uses. This appropriation request is in the form of a bill rather than a budget request as follow-up to the initial legislation of Act 205, Session Laws of Hawaii 2022.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by providing funds for the investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands, so these resources may be used for the generation, transmission, or production of electricity and renewable energy resources.

Impact on the department and other agencies: The appropriation in this bill has the potential to allow the Department of Hawaiian Home Lands to generate, transmit,

and produce electricity and renewable energy resources on Hawaiian Home Lands.

GENERAL FUND: \$20,000,000.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2025.

A BILL FOR AN ACT

RELATING TO COUNTY USER FEES.

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

1 SECTION 1. Section 46-1.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§46-1.5 General powers and limitation of the counties.**

4 Subject to general law, each county shall have the following
5 powers and shall be subject to the following liabilities and
6 limitations:

7 (1) Each county shall have the power to frame and adopt a
8 charter for its own self-government that shall
9 establish the county executive, administrative, and
10 legislative structure and organization, including but
11 not limited to the method of appointment or election
12 of officials, their duties, responsibilities, and
13 compensation, and the terms of their office;

14 (2) Each county shall have the power to provide for and
15 regulate the marking and lighting of all buildings and
16 other structures that may be obstructions or hazards
17 to aerial navigation, so far as may be necessary or

.B. NO.

1 proper for the protection and safeguarding of life,
2 health, and property;

3 (3) Each county shall have the power to enforce all claims
4 on behalf of the county and approve all lawful claims
5 against the county, but shall be prohibited from
6 entering into, granting, or making in any manner any
7 contract, authorization, allowance payment, or
8 liability contrary to the provisions of any county
9 charter or general law;

10 (4) Each county shall have the power to make contracts and
11 to do all things necessary and proper to carry into
12 execution all powers vested in the county or any
13 county officer;

14 (5) Each county shall have the power to:
15 (A) Maintain channels, whether natural or artificial,
16 including their exits to the ocean, in suitable
17 condition to carry off storm waters;
18 (B) Remove from the channels, and from the shores and
19 beaches, any debris that is likely to create an
20 unsanitary condition or become a public nuisance;
21 provided that, to the extent any of the foregoing
22 work is a private responsibility, the

.B. NO.

1 responsibility may be enforced by the county in
2 lieu of the work being done at public expense;

3 (C) Construct, acquire by gift, purchase, or by the
4 exercise of eminent domain, reconstruct, improve,
5 better, extend, and maintain projects or
6 undertakings for the control of and protection
7 against floods and flood waters, including the
8 power to drain and rehabilitate lands already
9 flooded;

10 (D) Enact zoning ordinances providing that lands
11 deemed subject to seasonable, periodic, or
12 occasional flooding shall not be used for
13 residence or other purposes in a manner as to
14 endanger the health or safety of the occupants
15 thereof, as required by the Federal Flood
16 Insurance Act of 1956 (chapter 1025, Public Law
17 1016); and

18 (E) Establish and charge user fees to create and
19 maintain any stormwater management system or
20 infrastructure; provided that no county shall
21 charge against or collect user fees from the
22 department of transportation in excess of

.B. NO.

1 \$1,500,000 in the aggregate per year; provided
2 further that no services shall be denied to the
3 department of transportation by reason of
4 nonpayment of the fees; provided further that no
5 county shall charge or collect user fees from the
6 department of Hawaiian home lands in excess of
7 \$100,000 in the aggregate per year; provided
8 further that no services shall be denied to the
9 department of Hawaiian home lands;

10 (6) Each county shall have the power to exercise the power
11 of condemnation by eminent domain when it is in the
12 public interest to do so;

13 (7) Each county shall have the power to exercise
14 regulatory powers over business activity as are
15 assigned to them by chapter 445 or other general law;

16 (8) Each county shall have the power to fix the fees and
17 charges for all official services not otherwise
18 provided for;

19 (9) Each county shall have the power to provide by
20 ordinance assessments for the improvement or
21 maintenance of districts within the county;

.B. NO.

- 1 (10) Except as otherwise provided, no county shall have the
2 power to give or loan credit to, or in aid of, any
3 person or corporation, directly or indirectly, except
4 for a public purpose;
- 5 (11) Where not within the jurisdiction of the public
6 utilities commission, each county shall have the power
7 to regulate by ordinance the operation of motor
8 vehicle common carriers transporting passengers within
9 the county and adopt and amend rules the county deems
10 necessary for the public convenience and necessity;
- 11 (12) Each county shall have the power to enact and enforce
12 ordinances necessary to prevent or summarily remove
13 public nuisances and to compel the clearing or removal
14 of any public nuisance, refuse, and uncultivated
15 undergrowth from streets, sidewalks, public places,
16 and unoccupied lots. In connection with these powers,
17 each county may impose and enforce liens upon the
18 property for the cost to the county of removing and
19 completing the necessary work where the property
20 owners fail, after reasonable notice, to comply with
21 the ordinances. The authority provided by this
22 paragraph shall not be self-executing, but shall

.B. NO.

1 become fully effective within a county only upon the
2 enactment or adoption by the county of appropriate and
3 particular laws, ordinances, or rules defining "public
4 nuisances" with respect to each county's respective
5 circumstances. The counties shall provide the
6 property owner with the opportunity to contest the
7 summary action and to recover the owner's property;

8 (13) Each county shall have the power to enact ordinances
9 deemed necessary to protect health, life, and
10 property, and to preserve the order and security of
11 the county and its inhabitants on any subject or
12 matter not inconsistent with, or tending to defeat,
13 the intent of any state statute where the statute does
14 not disclose an express or implied intent that the
15 statute shall be exclusive or uniform throughout the
16 State;

17 (14) Each county shall have the power to:
18 (A) Make and enforce within the limits of the county
19 all necessary ordinances covering all:
20 (i) Local police matters;
21 (ii) Matters of sanitation;
22 (iii) Matters of inspection of buildings;

.B. NO.

1 (iv) Matters of condemnation of unsafe
2 structures, plumbing, sewers, dairies, milk,
3 fish, and morgues; and

4 (v) Matters of the collection and disposition of
5 rubbish and garbage;

6 (B) Provide exemptions for homeless facilities and
7 any other program for the homeless authorized by
8 part XVII of chapter 346, for all matters under
9 this paragraph;

10 (C) Appoint county physicians and sanitary and other
11 inspectors as necessary to carry into effect
12 ordinances made under this paragraph, who shall
13 have the same power as given by law to agents of
14 the department of health, subject only to
15 limitations placed on them by the terms and
16 conditions of their appointments; and

17 (D) Fix a penalty for the violation of any ordinance,
18 which penalty may be a misdemeanor, petty
19 misdemeanor, or violation as defined by general
20 law;

21 (15) Each county shall have the power to provide public
22 pounds; to regulate the impounding of stray animals

.B. NO.

1 and fowl, and their disposition; and to provide for
2 the appointment, powers, duties, and fees of animal
3 control officers;

4 (16) Each county shall have the power to purchase and
5 otherwise acquire, lease, and hold real and personal
6 property within the defined boundaries of the county
7 and to dispose of the real and personal property as
8 the interests of the inhabitants of the county may
9 require, except that:

10 (A) Any property held for school purposes may not be
11 disposed of without the consent of the
12 superintendent of education;

13 (B) No property bordering the ocean shall be sold or
14 otherwise disposed of; and

15 (C) All proceeds from the sale of park lands shall be
16 expended only for the acquisition of property for
17 park or recreational purposes;

18 (17) Each county shall have the power to provide by charter
19 for the prosecution of all offenses and to prosecute
20 for offenses against the laws of the State under the
21 authority of the attorney general of the State;

.B. NO.

- 1 (18) Each county shall have the power to make
2 appropriations in amounts deemed appropriate from any
3 moneys in the treasury, for the purpose of:
- 4 (A) Community promotion and public celebrations;
5 (B) The entertainment of distinguished persons as may
6 from time to time visit the county;
7 (C) The entertainment of other distinguished persons,
8 as well as, public officials when deemed to be in
9 the best interest of the community; and
10 (D) The rendering of civic tribute to individuals
11 who, by virtue of their accomplishments and
12 community service, merit civic commendations,
13 recognition, or remembrance;
- 14 (19) Each county shall have the power to:
- 15 (A) Construct, purchase, take on lease, lease,
16 sublease, or in any other manner acquire, manage,
17 maintain, or dispose of buildings for county
18 purposes, sewers, sewer systems, pumping
19 stations, waterworks, including reservoirs,
20 wells, pipelines, and other conduits for
21 distributing water to the public, lighting
22 plants, and apparatus and appliances for lighting

.B. NO.

1 streets and public buildings, and manage,
2 regulate, and control the same;

3 (B) Regulate and control the location and quality of
4 all appliances necessary to the furnishing of
5 water, heat, light, power, telephone, and
6 telecommunications service to the county;

7 (C) Acquire, regulate, and control any and all
8 appliances for the sprinkling and cleaning of the
9 streets and the public ways, and for flushing the
10 sewers; and

11 (D) Open, close, construct, or maintain county
12 highways or charge toll on county highways;
13 provided that all revenues received from a toll
14 charge shall be used for the construction or
15 maintenance of county highways;

16 (20) Each county shall have the power to regulate the
17 renting, subletting, and rental conditions of property
18 for places of abode by ordinance;

19 (21) Unless otherwise provided by law, each county shall
20 have the power to establish by ordinance the order of
21 succession of county officials in the event of a
22 military or civil disaster;

.B. NO.

- 1 (22) Each county shall have the power to sue and be sued in
2 its corporate name;
- 3 (23) Each county shall have the power to:
- 4 (A) Establish and maintain waterworks and sewer
5 works;
- 6 (B) Implement a sewer monitoring program that
7 includes the inspection of sewer laterals that
8 connect to county sewers, when those laterals are
9 located on public or private property, after
10 providing a property owner not less than ten
11 calendar days' written notice, to detect leaks
12 from laterals, infiltration, and inflow, any
13 other law to the contrary notwithstanding;
- 14 (C) Compel an owner of private property upon which is
15 located any sewer lateral that connects to a
16 county sewer to inspect that lateral for leaks,
17 infiltration, and inflow and to perform repairs
18 as necessary;
- 19 (D) Collect rates for water supplied to consumers and
20 for the use of sewers; provided that no county
21 shall charge against or collect user fees from
22 the department of Hawaiian home lands in excess

.B. NO.

1 of \$100,000 in the aggregate per year; provided
2 further that no service shall be denied to the
3 department of Hawaiian home lands;

4 (E) Install water meters whenever deemed expedient;
5 provided that owners of premises having vested
6 water rights under existing laws appurtenant to
7 the premises shall not be charged for the
8 installation or use of the water meters on the
9 premises;

10 (F) Take over from the State existing waterworks
11 systems, including water rights, pipelines, and
12 other appurtenances belonging thereto, and sewer
13 systems, and to enlarge, develop, and improve the
14 same; and

15 (G) For purposes of subparagraphs (B) and (C):
16 (i) "Infiltration" means groundwater, rainwater,
17 and saltwater that enters the county sewer
18 system through cracked, broken, or defective
19 sewer laterals; and

20 (ii) "Inflow" means non-sewage entering the
21 county sewer system via inappropriate or
22 illegal connections;

.B. NO.

1 (24) (A) Each county may impose civil fines, in
2 addition to criminal penalties, for any violation
3 of county ordinances or rules after reasonable
4 notice and requests to correct or cease the
5 violation have been made upon the violator. Any
6 administratively imposed civil fine shall not be
7 collected until after an opportunity for a
8 hearing under chapter 91. Any appeal shall be
9 filed within thirty days from the date of the
10 final written decision. These proceedings shall
11 not be a prerequisite for any civil fine or
12 injunctive relief ordered by the circuit court;
13 (B) Each county by ordinance may provide for the
14 addition of any unpaid civil fines, ordered by
15 any court of competent jurisdiction, to any
16 taxes, fees, or charges, with the exception of
17 fees or charges for water for residential use and
18 sewer charges, collected by the county. Each
19 county by ordinance may also provide for the
20 addition of any unpaid administratively imposed
21 civil fines, which remain due after all judicial
22 review rights under section 91-14 are exhausted,

.B. NO.

1 to any taxes, fees, or charges, with the
2 exception of water for residential use and sewer
3 charges, collected by the county. The ordinance
4 shall specify the administrative procedures for
5 the addition of the unpaid civil fines to the
6 eligible taxes, fees, or charges and may require
7 hearings or other proceedings. After addition of
8 the unpaid civil fines to the taxes, fees, or
9 charges, the unpaid civil fines shall not become
10 a part of any taxes, fees, or charges. The
11 county by ordinance may condition the issuance or
12 renewal of a license, approval, or permit for
13 which a fee or charge is assessed, except for
14 water for residential use and sewer charges, on
15 payment of the unpaid civil fines. Upon
16 recordation of a notice of unpaid civil fines in
17 the bureau of conveyances, the amount of the
18 civil fines, including any increase in the amount
19 of the fine which the county may assess, shall
20 constitute a lien upon all real property or
21 rights to real property belonging to any person
22 liable for the unpaid civil fines. The lien in

.B. NO.

1 favor of the county shall be subordinate to any
2 lien in favor of any person recorded or
3 registered prior to the recordation of the notice
4 of unpaid civil fines and senior to any lien
5 recorded or registered after the recordation of
6 the notice. The lien shall continue until the
7 unpaid civil fines are paid in full or until a
8 certificate of release or partial release of the
9 lien, prepared by the county at the owner's
10 expense, is recorded. The notice of unpaid civil
11 fines shall state the amount of the fine as of
12 the date of the notice and maximum permissible
13 daily increase of the fine. The county shall not
14 be required to include a social security number,
15 state general excise taxpayer identification
16 number, or federal employer identification number
17 on the notice. Recordation of the notice in the
18 bureau of conveyances shall be deemed, at such
19 time, for all purposes and without any further
20 action, to procure a lien on land registered in
21 land court under chapter 501. After the unpaid
22 civil fines are added to the taxes, fees, or

.B. NO.

1 charges as specified by county ordinance, the
2 unpaid civil fines shall be deemed immediately
3 due, owing, and delinquent and may be collected
4 in any lawful manner. The procedure for
5 collection of unpaid civil fines authorized in
6 this paragraph shall be in addition to any other
7 procedures for collection available to the State
8 and county by law or rules of the courts;
9 (C) Each county may impose civil fines upon any
10 person who places graffiti on any real or
11 personal property owned, managed, or maintained
12 by the county. The fine may be up to \$1,000 or
13 may be equal to the actual cost of having the
14 damaged property repaired or replaced. The
15 parent or guardian having custody of a minor who
16 places graffiti on any real or personal property
17 owned, managed, or maintained by the county shall
18 be jointly and severally liable with the minor
19 for any civil fines imposed hereunder. Any such
20 fine may be administratively imposed after an
21 opportunity for a hearing under chapter 91, but
22 such a proceeding shall not be a prerequisite for

.B. NO.

1 any civil fine ordered by any court. As used in
2 this subparagraph, "graffiti" means any
3 unauthorized drawing, inscription, figure, or
4 mark of any type intentionally created by paint,
5 ink, chalk, dye, or similar substances;

6 (D) At the completion of an appeal in which the
7 county's enforcement action is affirmed and upon
8 correction of the violation if requested by the
9 violator, the case shall be reviewed by the
10 county agency that imposed the civil fines to
11 determine the appropriateness of the amount of
12 the civil fines that accrued while the appeal
13 proceedings were pending. In its review of the
14 amount of the accrued fines, the county agency
15 may consider:

16 (i) The nature and egregiousness of the
17 violation;

18 (ii) The duration of the violation;

19 (iii) The number of recurring and other similar
20 violations;

21 (iv) Any effort taken by the violator to correct
22 the violation;

.B. NO.

1 (v) The degree of involvement in causing or
2 continuing the violation;

3 (vi) Reasons for any delay in the completion of
4 the appeal; and

5 (vii) Other extenuating circumstances.

6 The civil fine that is imposed by administrative
7 order after this review is completed and the
8 violation is corrected shall be subject to
9 judicial review, notwithstanding any provisions
10 for administrative review in county charters;

11 (E) After completion of a review of the amount of
12 accrued civil fine by the county agency that
13 imposed the fine, the amount of the civil fine
14 determined appropriate, including both the
15 initial civil fine and any accrued daily civil
16 fine, shall immediately become due and
17 collectible following reasonable notice to the
18 violator. If no review of the accrued civil fine
19 is requested, the amount of the civil fine, not
20 to exceed the total accrual of civil fine prior
21 to correcting the violation, shall immediately
22 become due and collectible following reasonable

.B. NO.

1 notice to the violator, at the completion of all
2 appeal proceedings; and

3 (F) If no county agency exists to conduct appeal
4 proceedings for a particular civil fine action
5 taken by the county, then one shall be
6 established by ordinance before the county shall
7 impose the civil fine;

8 (25) Any law to the contrary notwithstanding, any county
9 mayor, by executive order, may exempt donors, provider
10 agencies, homeless facilities, and any other program
11 for the homeless under part XVII of chapter 346 from
12 real property taxes, water and sewer development fees,
13 rates collected for water supplied to consumers and
14 for use of sewers, and any other county taxes,
15 charges, or fees; provided that any county may enact
16 ordinances to regulate and grant the exemptions
17 granted by this paragraph;

18 (26) Any county may establish a captive insurance company
19 pursuant to article 19, chapter 431; and

20 (27) Each county shall have the power to enact and enforce
21 ordinances regulating towing operations."

22 SECTION 2. New statutory material is underscored.

.B. NO.

1 SECTION 3. This Act shall take effect upon its approval.

2

3

INTRODUCED BY: _____

4

BY REQUEST

_____.B. NO._____

Report Title:

DHHL; Counties; User Fees; County Powers

Description:

Exempts the Department of Hawaiian Home Lands from county user fees, in the amount of \$100,000 aggregate per year, and ensures county services to the Department of Hawaiian Home Lands for Hawaiian Home Lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO COUNTY USER FEES.

PURPOSE: To exempt the Department from county user fees in excess of \$100,000 in the aggregate per year, while ensuring county services to the Department continue for Hawaiian Home Lands.

MEANS: Amend section 46-1.5, Hawaii Revised Statutes.

JUSTIFICATION: The Department pays county user fees that are in excess of \$100,000 in the aggregate per year. Funds saved by the Department due to exemption from county user fees could be used for infrastructure and housing needs for Hawaiian Home Lands managed by the Department.

Impact on the public: This bill advances the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by ensuring that the Department will be exempt from county user fees in excess of \$100,000 and ensuring county services to the Department for Hawaiian Home Lands will not be denied. Due to the amount of lands under the jurisdiction of the Department, the county user fees have an excessive impact upon the Department. This bill would reduce the impact of county user fees on the Department, thereby making more funds available to be used for infrastructure and housing needs.

Impact on the department and other agencies: Hawaii counties would receive less revenue in the form of county user fees charged to the Department of Hawaiian Home Lands.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Counties within the State of Hawaii.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO SEWER TRANSMISSION LINES.

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

1 SECTION 1. Section 46-20.1, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Upon demand by the department of Hawaiian home lands,
4 each county shall accept the license or dedication and ownership
5 of any and all sewer transmission lines and other sewerage
6 facilities servicing Hawaiian home lands and that are not
7 subject to subsection (a), as may be identified by the
8 department of Hawaiian home lands; provided that:

9 (1) Any sewer lines or other sewerage facilities:

10 (A) Not subject to subsection (a);

11 (B) Existing before [+]July 7, 2014[+]; and

12 (C) That the appropriate county determines are not in
13 substantial compliance with environmental laws,
14 rules, and regulations pertaining to the
15 dedication or license of the sewers to the
16 counties at the time of their construction,
17 shall be brought into compliance with those laws,
18 rules, and regulations by the department of Hawaiian

.B. NO.

Report Title:

Counties; DHHL; Sewer Systems Servicing; Sewer Transmission Lines

Description:

Requires that all county sewer transmission lines on Hawaiian home lands in compliance or brought into compliance by the Department of Hawaiian Home Lands, are licensed or dedicated to the respective county within sixty days after the receipt by the appropriate county agency of a completed application for maintenance request.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO SEWER TRANSMISSION LINES.

PURPOSE: To ensure that sewer transmission lines on Hawaiian home lands that are in compliance, or brought into compliance by the Department, are licensed or dedicated to the respective county within sixty days after the receipt by the appropriate county agency of a completed application for maintenance request.

MEANS: Amend section 46-20.1(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Many sewer transmission lines on Hawaiian home lands that are in compliance have not been licensed or dedicated to the respective county. This bill will require that sewer transmission lines on Hawaiian home lands that are in compliance, or brought into compliance by the Department, are licensed or dedicated to the respective county within sixty days after the receipt by the appropriate county agency of a completed application for maintenance request. The timeframe for acceptance is based upon other state statutes that have a deadline for county acceptance, such as sections 46-15.25 and 46-20.2, HRS.

Impact on the public: This bill advances the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by ensuring that sewer transmission lines on Hawaiian home lands in compliance, or brought into compliance by the Department, are licensed or dedicated to the respective county.

Impact on the department and other agencies: The respective county of the various sewer transmission lines would assume

responsibility of the management of the sewer transmission lines that are on Hawaiian home lands and in compliance or brought into compliance by the Department.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Counties within the State of Hawaii.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1 SECTION 1. The legislature finds that article XII, section
2 1, of the Hawaii State Constitution provides that "Anything in
3 this constitution to the contrary notwithstanding, the Hawaiian
4 Homes Commission Act, 1920, enacted by the Congress, as the same
5 has been or may be amended prior to the admission of the State,
6 is hereby adopted as a law of the State, subject to amendment or
7 repeal by the legislature". The legislature further finds that
8 article XII, section 2, of the Hawaii State Constitution
9 provides that "The State and its people do hereby accept, as a
10 compact with the United States, or as conditions or trust
11 provisions imposed by the United States, relating to the
12 management and disposition of the Hawaiian home lands, the
13 requirement that section 1 hereof be included in this
14 constitution, in whole or in part, it being intended that the
15 Act or acts of the Congress pertaining thereto shall be
16 definitive of the extent and nature of such compact, conditions
17 or trust provisions, as the case may be." Finally, article XII,
18 section 2 of the Hawaii State Constitution provides that "The

.B. NO.

1 State and its people do further agree and declare that the
2 spirit of the Hawaiian Homes Commission Act looking to the
3 continuance of the Hawaiian homes projects for the further
4 rehabilitation of the Hawaiian race shall be faithfully carried
5 out."

6 The department of Hawaiian home lands is an eligible
7 borrower of loans guaranteed by the United States Department of
8 Housing and Urban Development under section 184A of the Housing
9 and Community Development Act of 1992, as amended. However,
10 section 214(b) (8) of the Hawaiian Homes Commission Act of 1920,
11 as amended, authorizes the department to only pledge receivables
12 of loan accounts outstanding as collateral to secure loans made
13 by government agencies or private lending institutions to the
14 department, the proceeds of which shall be used by the
15 department to make new loans to lessees or to finance the
16 development of available lands for purposes permitted by the
17 Act. In addition, section 214(b) (8) of the Hawaiian Homes
18 Commission Act of 1920, as amended, stipulates that any loan
19 agreement entered into by the department shall include a
20 provision that the money borrowed by the department is not
21 secured directly or indirectly by the full faith and credit or
22 the general credit of the State or by any revenues or taxes of

.B. NO.

1 the State other than the receivables specifically pledged to
2 repay the loan.

3 The purpose of this Act is to further the provisions in
4 article XII, section 2 of the Hawaii State Constitution
5 supporting the development of residential homestead lots and
6 housing units by allowing the department of Hawaiian home lands
7 to utilize the dwelling unit revolving fund established under
8 section 201H-191, Hawaii Revised Statutes, as collateral when
9 acting as an eligible borrower for a loan guaranteed under
10 section 184A of the Housing and Community Development Act of
11 1992, as amended, and to appropriate the necessary funds for
12 this purpose.

13 SECTION 2. Section 201H-191, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§201H-191 Dwelling unit revolving fund.** (a) There is
16 created a dwelling unit revolving fund. The funds appropriated
17 for the purpose of the dwelling unit revolving fund and all
18 moneys received or collected by the corporation for the purpose
19 of the revolving fund shall be deposited in the revolving fund.
20 The proceeds in the revolving fund shall be used to reimburse
21 the general fund to pay the interest on general obligation bonds
22 issued for the purposes of the revolving fund, for the necessary

.B. NO.

1 expenses in administering housing development programs and
2 regional state infrastructure programs, and for carrying out the
3 purposes of housing development programs and regional state
4 infrastructure programs, including but not limited to the
5 expansion of community facilities and regional state
6 infrastructure constructed in conjunction with housing and
7 mixed-use transit-oriented development projects, permanent
8 primary or secondary financing, and supplementing building
9 costs, federal guarantees required for operational losses, and
10 all things required by any federal agency in the construction
11 and receipt of federal funds or low-income housing tax credits
12 for housing projects.

13 (b) Subject to the requirements of subsection (a),
14 proceeds in the revolving fund may be used to establish and
15 operate regional state infrastructure subaccounts pursuant to
16 section 201H-191.5.

17 (c) Notwithstanding the provisions in the Hawaiian Homes
18 Commission Act of 1920, as amended, the department of Hawaiian
19 home lands is authorized to utilize the dwelling unit revolving
20 fund as collateral when acting as an eligible borrower of a loan
21 guaranteed by the United States Department of Housing and Urban
22 Development under section 184A of the Housing and Community

.B. NO.

1 Development Act of 1992, as amended, to develop residential
2 homestead lots and housing units subject to the approval of the
3 corporation."

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$75,000,000 or so
6 much thereof as may be necessary for fiscal year 2025-2026 and
7 the same sum or so much thereof as may be necessary for fiscal
8 year 2026-2027 to be deposited into the dwelling unit revolving
9 fund.

10 SECTION 4. There is appropriated out of the dwelling unit
11 revolving fund the sum of \$75,000,000 or so much thereof as may
12 be necessary for fiscal year 2025-2026 and the same sum or so
13 much thereof as may be necessary for fiscal year 2026-2027 that
14 the department of Hawaiian home lands may use for collateral
15 when acting as an eligible borrower of a loan guaranteed by the
16 United States Department of Housing and Urban Development under
17 section 184A of the Housing and Community Development Act, as
18 amended, to develop residential homestead lots and housing
19 units.

20 The sums appropriated shall be expended by the Hawaii
21 housing finance and development corporation for the purposes of
22 this Act.

.B. NO.

1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act, upon its approval, shall take effect
3 on July 1, 2025.

4

5 INTRODUCED BY: _____

6

BY REQUEST

_____ .B. NO. _____

Report Title:

Dwelling Unit Revolving Fund; Housing; DHHL; Appropriation

Description:

Allows the Department of Hawaiian Home Lands to utilize the dwelling unit revolving fund as collateral when acting as an eligible borrower for a loan guaranteed under section 184A of the Housing and Community Development Act of 1992, as amended, and appropriates funds for this purpose.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: To allow the Department to utilize the dwelling unit revolving fund as collateral when acting as an eligible borrower for a loan guaranteed under section 184A of the Housing and Community Development Act of 1992, as amended, and appropriate funds for this purpose.

MEANS: Amend section 201H-191, Hawaii Revised Statutes, and appropriate funds.

JUSTIFICATION: Appropriates funds to allow the Department to utilize the dwelling unit revolving fund as collateral when acting as an eligible borrower for a loan guaranteed under section 184A of the Housing and Community Development Act of 1992, as amended, in order to finance the development of residential homestead lots and housing units for purposes permitted by the Hawaiian Homes Commission Act, 1920, as amended.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by appropriating funds to allow the Department to utilize the dwelling unit revolving fund as collateral when acting as an eligible borrower of a section 184A Loan Guarantee for Native Hawaiian Housing.

Impact on the department and other agencies: The Department would be able to utilize the dwelling unit revolving fund as collateral when acting as an eligible borrower of a section 184A Loan Guarantee for Native Hawaiian Housing. This bill potentially affects the amount of dwelling unit revolving funds available to the Hawaii Housing Finance and Development Corporation

to develop affordable housing for the general public.

GENERAL FUND: \$75,000,000 for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027.

OTHER FUNDS: \$75,000,000 for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 from the dwelling unit revolving fund.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Hawaii Housing Finance and Development Corporation and Department of Budget and Finance.

EFFECTIVE DATE: July 1, 2025.