

1989

ACT 282

or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on January 1, 1990.

(Approved June 9, 1989.)

ACT 282

H.B. NO. 1611

A Bill for an Act Amending Act 142, Session Laws of Hawaii 1988.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 142, Session Laws of Hawaii 1988, is amended by amending sections 2 and 3 to read as follows:

“SECTION 2. The department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed \$30,000,000 in one or more series for the purpose of assisting Energy Conversion Devices, Inc., a Michigan corporation, or its subsidiaries, [or] and Chronar Corporation, or its subsidiaries, [or] and a partnership in which either Energy Conversion Devices, Inc., or Chronar Corporation is a general partner, in the generation of new capital for the manufacture of amorphous silicon alloy photovoltaics products or devices in Hawaii. The legislature finds and determines that the activities and facilities of Energy Conversion Devices, Inc., or its subsidiaries, and of Chronar Corporation, or its subsidiaries, constitute a project as defined in part III, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to a manufacturing enterprise.

SECTION 3. The department of business and economic development, with assistance from the Hawaii Natural Energy Institute, shall perform a technical and economic analysis of both Energy Conversion Devices, Inc., and Chronar Corporation and recommend one or both of them to the department of budget and finance to be assisted by the issuance of special purpose revenue bonds under this Act.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 9, 1989.)

ACT 283

H.B. NO. 1905

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as Amended.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds and determines:

1989

...n be given effect without the invalid provision
...provisions of this Act are severable.

...material is underscored.

...take effect on January 1, 1990.

ACT 282 H.B. NO. 1611

...12, Session Laws of Hawaii 1988.

...the State of Hawaii:

...on Laws of Hawaii 1988, is amended by amend-
...ows:

...ent of budget and finance, with the approval of
...special purpose revenue bonds in a total amount
...more series for the purpose of assisting Energy
...igan corporation, or its subsidiaries, [or] and
...liaries, [or] and a partnership in which either
...or Chronar Corporation is a general partner, in
...e manufacture of amorphous silicon alloy pho-
...r Hawaii. The legislature finds and determines that
...y Conversion Devices, Inc., or its subsidiaries,
...subsidiaries, constitute a project as defined in
...ised Statutes, and the financing thereof is as-
...ise.

...it of business and economic development, with
...Energy Institute, shall perform a technical and
...Conversion Devices, Inc., and Chronar Cor-
...oth of them to the department of budget and
...ce of special purpose revenue bonds under this

...erial to be repealed is bracketed. New statutory

...take effect upon its approval.

ACT 283 H.B. NO. 1905

...Hawaiian Homes Commission Act, 1920, as

...the State of Hawaii:

...e finds and determines:

- (1) The Hawaiian Homes Commission Act, 1920, as amended, places all Hawaiian home lands (as defined in the Act) under the control of the department of Hawaiian home lands to be used and disposed of in accordance with the provisions of the Act;
- (2) The Hawaiian Homes Commission Act, 1920, as amended, authorizes the department, among other things, to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands (as defined in the Act) for the purposes provided therein, including for use as a residence lot, and to enter into and carry out contracts to develop available lands (as defined in the Act) for homestead, commercial, and multipurpose projects;
- (3) The Hawaiian Homes Commission Act does not provide a sufficient grant of power for the department to undertake and finance development; and
- (4) It is necessary and desirable for the department to be authorized to undertake and finance development and available lands for residential use and homestead, commercial, and multipurpose projects.

SECTION 2. The Hawaiian Homes Commission Act, 1920, as amended, is amended by adding two new sections to be appropriately numbered and to read as follows:

“§ - **Additional powers.** In addition and supplemental to the powers granted to the department by law, and notwithstanding any law to the contrary, the department may:

- (1) With the approval of the governor, undertake and carry out the development of any Hawaiian home lands available for lease under and pursuant to section 207 of this Act by assembling these lands in residential developments and providing for the construction, reconstruction, improvement, alteration, or repair of public facilities therein, including, without limitation, streets, storm drainage systems, pedestrian ways, water facilities and systems, sidewalks, street lighting, sanitary sewerage facilities and systems, utility and service corridors, and utility lines, where applicable, sufficient to adequately service developable improvements therein, sites for schools, parks, off-street parking facilities, and other community facilities;
- (2) With the approval of the governor, undertake and carry out the development of available lands for homestead, commercial, and multipurpose projects as provided in section 220.5 of this Act, as a developer under this section or in association with a developer agreement entered into pursuant to this section by providing for the construction, reconstruction, improvement, alteration, or repair of public facilities for development, including, without limitation, streets, storm drainage systems, pedestrian ways, water facilities and systems, sidewalks, street lighting, sanitary sewerage facilities and systems, utility and service corridors, and utility lines, where applicable, sufficient to adequately service developable improvements therein, sites for schools, parks, off-street parking facilities, and other community facilities;
- (3) With the approval of the governor, designate by resolution of the commission all or any portion of a development or multiple developments undertaken pursuant to this section an “undertaking” under part III of chapter 39, Hawaii Revised Statutes; and

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

All provisions of part III of chapter 39, Hawaii Revised Statutes, shall apply to the department and all revenue bonds issued by the department shall be issued pursuant to the provisions of that part, except these revenue bonds shall be issued in the name of the department, and not in the name of the State.

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

§ - **Establishment of special fund.** A separate special fund of the department shall be established for each undertaking or part thereof financed from the proceeds of revenue bonds equally secured. Each fund shall be designated "department of Hawaiian home lands revenue bond special fund" and bear any additional designation the department deems appropriate to properly identify the fund. Any law to the contrary notwithstanding, including any provision of this Act, from and after the issuance of revenue bonds under and pursuant to the provisions of this Act and part III of chapter 39, Hawaii Revised Statutes, to finance an undertaking, all rentals, income, receipts, and other revenues derived by the department from the particular undertaking for which financing is undertaken shall be paid into the special fund established pursuant to this Act and applied in the manner and for the purposes set forth in part III of chapter 39, Hawaii Revised Statutes, and the proceedings authorizing the issuance of revenue bonds."

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

SECTION 4. New statutory material is underscored.¹

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

(Approved June 9, 1989.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 284

S.B. NO. 636

A Bill for an Act Making Appropriations for Collective Bargaining Cost Items.

Be It Enacted by the Legislature of the State of Hawaii: