
A BILL FOR AN ACT

RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION.

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

1 SECTION 1. Chapter 206J, Hawaii Revised Statutes, is
2 repealed.

3 SECTION 2. Except as otherwise provided in this Act, all
4 rights, powers, functions, and duties of the Aloha Tower
5 development corporation are transferred to the Hawaii community
6 development authority under chapter 206E, Hawaii Revised
7 Statutes, except with respect to harbors modernization functions
8 which shall be transferred to the department of transportation,
9 harbors division.

10 SECTION 3. All appropriations, records, equipment,
11 machines, files, supplies, contracts, books, papers, documents,
12 maps, and other personal property heretofore made, used,
13 acquired, or held by the Aloha Tower development corporation
14 relating to the functions transferred to the Hawaii community
15 development authority shall be transferred with the functions to
16 which they relate.

1 SECTION 4. Chapter 206E, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§206E- Aloha Tower fund. There is created the Aloha
5 Tower fund, to be placed for administrative purposes under the
6 authority. All:

7 (1) Moneys;

8 (2) Rentals;

9 (3) Charges;

10 (4) Other revenues of the authority; and

11 (5) Moneys or charges received by the department of
12 business, economic development, and tourism;

13 including reimbursements for costs and staff services as a
14 result of planning, development, or redevelopment of the lands
15 located seaward of Nimitz Highway between Pier 4 and the
16 Honolulu International Airport shall be deposited into the fund.

17 §206E- Aloha Tower. (a) The authority shall be
18 responsible for the development, planning, construction,
19 improvement, repair, and reconstruction of projects within the
20 Aloha Tower complex as follows: the area bounded by Nimitz
21 Highway beginning at its intersection with the Diamond Head
22 boundary of tax map key 2-1-13:7 north along Nimitz Highway to

1 its intersection with the makai boundary of tax map key 1-7-1:6;
2 northeast along River Street to its intersection with King
3 Street; north along King Street to its intersection with Iwilei
4 Road west along Iwilei Road to its intersection with Nimitz
5 Highway at the Ewa makai corner of tax map key 1-5-08:1; south
6 along Nimitz Highway to its intersection with the boundary
7 between tax map key 1-5-8:1 and tax map key 1-5-8:9; west along
8 a line to the Diamond Head mauka corner of tax map key 1-5-40:4;
9 west along Nimitz Highway to its intersection with the Ewa
10 boundary of tax map key 1-5-38:4; south along the Ewa boundaries
11 of tax map key 1-5-38:4 and 1-5-38:5 to Honolulu Harbor; east
12 along the waterfront boundary of tax map key 1-5-38:5 to Pier
13 23; south along Pier 23 to the southwest end of Pier 22;
14 continuing along a line in the same direction to its
15 intersection with the Honolulu Harbor Federal Project Line;
16 northeast along the Honolulu Harbor Federal Project Line to a
17 point in Honolulu Harbor 475 feet perpendicular to Pier 11;
18 southwest along a line parallel to Piers 10 and 11 to its
19 intersection with a line extending from the southwest end of
20 Pier 22 to the point of intersection of the Honolulu Harbor
21 Federal Project Line and a line extending along Pier 8 into
22 Honolulu Harbor; southeast along a line to the point of

1 intersection of the Honolulu Federal Project Line and a line
2 extending along Pier 8 into Honolulu Harbor; southeast along the
3 Honolulu Harbor Federal Project Line to its intersection with a
4 line extending along Pier 4 into Honolulu Harbor; east along a
5 line from that intersection and along Pier 4 to its intersection
6 with Nimitz Highway; north along Nimitz Highway to its
7 intersection with Richards Street; southwest along Richards
8 Street to its intersection with Ala Moana Boulevard; northwest
9 along Ala Moana Boulevard to its intersection with the Ewa
10 boundary of tax map key 2-1-14:6; northeast along the Ewa
11 boundary of tax map key 2-1-14:6 to its Ewa mauka corner; and
12 northwest across Bishop Street to the point of beginning at the
13 intersection of the Diamond Head boundary of tax map key
14 2-1-13:7 and Nimitz Highway. The complex shall also include the
15 area bounded by Iwilei Road beginning with its intersection with
16 Nimitz Highway; west along Iwilei Road to its intersection with
17 Pacific Street; southeast along Pacific Street to its
18 intersection with the Ewa mauka corner of tax map key 1-5-38:4;
19 east along Nimitz Highway to its intersection with the Diamond
20 Head mauka corner of tax map key 1-50-40:4; east along a line to
21 the point of intersection at the boundary between tax map key
22 1-5-8:1 and tax map key 1-5-8:9; north along Nimitz Highway to

1 the point of beginning at the intersection of Nimitz Highway and
2 Iwilei Road; all fast and submerged lands contained within these
3 areas shall also be included.

4 (b) The authority, with the approval of the governor, may
5 issue bonds in amounts as authorized from time to time by law as
6 deemed advisable for any of its purposes. Any bonds issued by
7 the Aloha Tower development corporation prior to January 1,
8 2010, shall be deemed to be issued in the name of the authority
9 on January 1, 2010."

10 SECTION 5. Chapter 266, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 **"§266- Partnership with department of transportation,**
14 **harbors division and the United States Department of**
15 **Transportation, Maritime Administration; commercial harbors**
16 **modernization plan.** (a) On July 1, 2009, the department of
17 transportation, harbors division, shall assume jurisdiction over
18 the harbors modernization project from the Aloha Tower
19 development corporation, to undertake projects for the
20 commercial harbors modernization plan in subsection (b). All
21 projects, prior to implementation, shall be approved by the
22 director of transportation and the governor.

1 For purposes of this subsection, the department of
2 transportation, harbors division, shall seek the input and
3 guidance of the United States Department of Transportation,
4 Maritime Administration, in the management of the harbors
5 modernization project; provided that the department of
6 transportation, harbors division, may enter into an agreement
7 with Maritime Administration for the purpose of infrastructure
8 improvements of harbors statewide.

9 (b) The harbors modernization group shall have
10 jurisdiction over harbors projects that shall collectively be
11 known as the commercial harbors modernization plan. These
12 harbor projects shall be as follows:

13 (1) Honolulu harbor. Development of infrastructure,
14 expansion of facilities, and tenant relocations,
15 including the development of the new Kapalama
16 container terminal;

17 (2) Kahului harbor. Development of infrastructure,
18 expansion of facilities, tenant relocations, and
19 acquisition of lands, including the West harbor barge
20 or ferry slip or both, West harbor dredging and
21 breakwater, West harbor cruise terminal, Pier 1 fuel

- 1 line replacement and upgrade, East harbor breakwater,
2 and Pier 2B strengthening;
- 3 (3) Hana Harbor. Development of infrastructure,
4 demolition, as necessary, and expansion of facilities
5 and acquisition of lands;
- 6 (4) Hilo harbor. Development of infrastructure, expansion
7 of facilities, tenant relocations, and acquisition of
8 lands, including the Pier 4 interisland cargo
9 terminal;
- 10 (5) Kawaihae harbor. Development of infrastructure,
11 expansion of facilities, tenant relocations,
12 acquisition of lands, including the Pier 2 terminal
13 and barge improvements, Pier 2 extension and terminal,
14 and Pier 4 and liquid bulk terminals;
- 15 (6) Kalaeloa harbor. Development of infrastructure,
16 expansion of facilities, tenant relocations, and
17 acquisition of lands, including the West harbor
18 infrastructure, Pier 4 dedicated fuel pier, and
19 extension of the fuel line; and
- 20 (7) Nawiliwili harbor. Development of infrastructure,
21 expansion of facilities, tenant relocations, and

1 acquisition of lands, including the new multi-use
2 pier.

3 (c) Land disposition matters in projects identified in the
4 commercial harbors modernization plan, including land
5 acquisition, leasing, and conveyance, and acquisition of
6 easements or right-of-ways, shall continue to be under the
7 jurisdiction of the board of land and natural resources pursuant
8 to chapter 171.

9 (d) Except as otherwise provided in this subsection, the
10 harbors modernization group shall be comprised of thirteen
11 members, as follows:

12 (1) The following ex-officio voting members or their
13 designees:

14 (A) The director of transportation;

15 (B) The director of business, economic development,
16 and tourism;

17 (C) The director of finance;

18 (D) The mayor of the city and county of Honolulu and
19 the mayors of the counties of Hawaii, Maui, and
20 Kauai; and

21 (E) The chairperson of the board of land and natural
22 resources; and

1 (2) The following voting members, appointed by the
2 governor pursuant to section 26-34:

3 (A) Two public members from the maritime industry who
4 shall be directly involved with a harbor or
5 offshore mooring facility that is primarily for
6 the movement of commercial cargo, passenger, and
7 fishing vessels entering, leaving, or traveling
8 within the state harbor system, or directly
9 involved with an activity that requires and is
10 directly related to the loading, offloading,
11 storage, or distribution of goods and services by
12 means of seaborne transportation; and

13 (B) Three members from the public at large, for
14 staggered terms pursuant to section 26-34;
15 provided that no member from the public at large
16 shall be an officer or employee of the State or
17 its political subdivisions.

18 Except as provided in paragraph (2), regarding staggered
19 terms, the members of the harbors modernization group shall
20 serve for four year terms and shall continue in office until
21 their respective successors have been appointed. The director

1 of transportation shall serve as the chairperson of the harbors
2 modernization group.

3 Members shall serve without compensation, but each member
4 shall be reimbursed for expenses, including travel expenses,
5 incurred in the performance of their duties.

6 (e) The department of transportation may apply any
7 revenues derived from commercial development projects in the
8 state harbors to defray the cost of harbor infrastructure
9 improvements incurred within the State.

10 (f) All procurements relating to the harbors modernization
11 project shall be exempt from chapter 103D until June 30, 2016."

12 SECTION 6. Members of the harbor modernization group, as
13 of July 1, 2009, shall continue their service under the
14 department of transportation pursuant to this Act.

15 SECTION 7. All appropriations, records, equipment,
16 machines, files, supplies, contracts, books, papers, documents,
17 maps, and other personal property heretofore made, used,
18 acquired, or held by the Aloha Tower development corporation
19 with regard to harbor projects and development relating to the
20 functions transferred to the department of transportation shall
21 be transferred with the functions to which they relate.

22 SECTION 8. New statutory material is underscored.

1 SECTION 9. This Act shall take effect on July 1, 2050.

Report Title:

Aloha Tower Development Corporation; Repeal

Description:

Abolishes Aloha Tower development corporation and transfers the jurisdiction and functions of the ATDC to the Hawaii community development authority except for the harbors modernization project. Transfers project from ATDC to DOT Harbors Division. Provides procurement code exemption for harbors modernization project until 2016. (SD2)