
A BILL FOR AN ACT

RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION.

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

1 **PART I**

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3 repealed.

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

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.

17 **PART II**

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

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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 July 1, 2010,
8 shall be deemed to be issued in the name of the authority on
9 July 1, 2010.

10 (c) Two additional voting members shall be appointed to
11 the authority by the governor to represent Aloha Tower. These
12 members shall be considered in determining quorum and majority
13 only on issues relating to Aloha Tower, and may vote only on
14 issues relating to Aloha Tower. These members shall be two
15 public members appointed as follows:

16 (1) One member to be appointed from a list of two persons
17 submitted to the governor by the senate president; and
18 (2) One member to be appointed from a list of two persons
19 submitted to the governor by the speaker of the house
20 of representatives."

21 **PART III**

1 SECTION 5. Chapter 266, Hawaii Revised Statutes, is
2 amended by adding a section to be appropriately designated and
3 to read as follows:

4 **"§266- Harbors modernization group; commercial harbors**
5 **modernization plan.** (a) No later than July 1, 2010, the
6 harbors modernization group shall be administratively placed
7 under the department of transportation. The harbors
8 modernization group shall have jurisdiction over the harbors
9 modernization project, to undertake projects for the commercial
10 harbors modernization plan. All projects, prior to
11 implementation, shall be approved by the governor. If the
12 governor approves a project, the harbors modernization group
13 shall have expending authority over the approved project,
14 notwithstanding any law to the contrary.

15 For purposes of this subsection, the department of
16 transportation shall seek the input and guidance of the United
17 States Department of Transportation Maritime Administration in
18 the management of the harbors modernization project; provided
19 that the department of transportation may enter into an
20 agreement with the United States Department of Transportation
21 Maritime Administration for the purpose of infrastructure
22 improvements of harbors statewide.

1 (b) The harbors modernization group shall have
2 jurisdiction over harbors projects, collectively to be known as
3 the commercial harbors modernization plan, which shall be
4 completed no later than June 30, 2017. These harbor projects
5 shall be as follows:

6 (1) Honolulu harbor. Development of infrastructure,
7 expansion of facilities, and tenant relocations,
8 including the development of the new Kapalama
9 container terminal;

10 (2) Kahului harbor. Development of infrastructure,
11 expansion of facilities, tenant relocations, and
12 acquisition of lands, including the West harbor barge
13 or ferry slip or both, West harbor dredging and
14 breakwater, West harbor cruise terminal, Pier 1 fuel
15 line replacement and upgrade, East harbor breakwater,
16 and Pier 2B strengthening;

17 (3) Hana harbor. Development of infrastructure,
18 demolition, as necessary, expansion of facilities, and
19 acquisition of lands;

20 (4) Hilo harbor. Development of infrastructure, expansion
21 of facilities, tenant relocations, and acquisition of

1 lands, including the Pier 4 interisland cargo
2 terminal;

3 (5) Kawaihae harbor. Development of infrastructure,
4 expansion of facilities, tenant relocations,
5 acquisition of lands, including the Pier 2 terminal
6 and barge improvements, Pier 2 extension and terminal,
7 and Pier 4 and liquid bulk terminals;

8 (6) Kalaeloa harbor. Development of infrastructure,
9 expansion of facilities, tenant relocations, and
10 acquisition of lands, including the West harbor
11 infrastructure, Pier 4 dedicated fuel pier, and
12 extension of the fuel line; and

13 (7) Nawiliwili harbor. Development of infrastructure,
14 expansion of facilities, tenant relocations, and
15 acquisition of lands, including the new multi-use
16 pier.

17 (c) Land disposition matters in projects identified in the
18 commercial harbors modernization plan, including land
19 acquisition, leasing, and conveyance, and acquisition of
20 easements or right-of-ways, shall be under the jurisdiction of
21 the board of land and natural resources pursuant to chapter 171.

1 (d) The harbors modernization group shall be comprised of
2 four voting members, as follows:

3 (1) The director of transportation, or designee, who shall
4 serve as chairperson;

5 (2) The director of finance, or designee; and

6 (3) Two public members, not including any officer or
7 employee of the State, one to be appointed by the
8 governor from a list of three nominees submitted to
9 the governor by the president of the senate, and one
10 to be approved by the governor from a list of three
11 nominees submitted to the governor by the speaker of
12 the house of representatives; provided that the two
13 public members shall each be directly involved with:

14 (A) Any harbor or offshore mooring facility in the
15 State that is primarily involved with the
16 movement of commercial cargo and passenger
17 vessels entering, departing, or traveling within
18 the state harbor system;

19 (B) An activity that requires or is otherwise
20 directly related to the loading, offloading,
21 storage, or distribution of goods and services by
22 means of seaborne transportation; or

- 1 (C) Activities, which:
- 2 (i) Promote the welfare, growth, and economic
3 interests of Hawaii's commercial harbors and
4 harbor facilities;
- 5 (ii) Assist and inform harbor users of, and
6 assist harbor users in, the interpretation
7 of laws, rules, regulations, and proposed
8 and pending legislation applicable to Hawaii
9 harbors and harbor facilities, for
10 compliance purposes; and
- 11 (iii) Foster and encourage the development and
12 improvement of Hawaii harbors and harbor
13 facilities.

14 The members of the harbors modernization group shall serve
15 for four year terms and shall continue in office until their
16 respective successors have been appointed.

17 The members of the harbors modernization group shall serve
18 without compensation, but each member shall be reimbursed for
19 expenses, including travel expenses, incurred in the performance
20 of their duties.

21 For purposes of conducting business, a majority of the
22 members of the harbors modernization group shall constitute a

1 quorum. For purposes of voting, a majority of the quorum shall
2 be required for decision making.

3 (e) The department of transportation may apply any
4 revenues derived from commercial development projects in the
5 state harbors to defray the cost of harbor infrastructure
6 improvements.

7 (f) All procurements relating to the harbors modernization
8 project shall be exempt from chapter 103D until June 30, 2017.

9 (g) The harbors modernization group shall cease to exist
10 when the harbors modernization project is completed."

11 **PART IV**

12 SECTION 6. Notwithstanding any law to the contrary:

13 (1) The two public members from the maritime industry, who
14 were serving on the harbors modernization group under
15 appointments effective on the day before the effective
16 date of this Act, shall continue to serve on the
17 harbors modernization group in the capacity of public
18 members from the maritime industry; and

19 (2) The service of all other members on the harbors
20 modernization group as of the day before the effective
21 date of this Act shall terminate on the day before the
22 effective date of this Act.

1 SECTION 7. All appropriations, records, equipment,
2 machines, files, supplies, contracts, books, papers, documents,
3 maps, and other personal property heretofore made, used,
4 acquired, or held by the Aloha Tower development corporation
5 with regard to harbor projects and development relating to the
6 functions transferred to the department of transportation shall
7 be transferred with the functions to which they relate.

8 SECTION 8. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2010-2011 for
11 consultant services to implement the commercial harbors
12 modernization plan.

13 The sum appropriated shall be expended by the department of
14 transportation for the purposes of this Act.

15 SECTION 9. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on July 1, 2050.

17

Report Title:

Aloha Tower Development Corporation; Repeal; Appropriation

Description:

Abolishes Aloha Tower development corporation. Transfers the ATDC to the Hawaii community development authority. Transfers harbors modernization group to the department of transportation. Places commercial harbors modernization plan under the harbors modernization group. Makes appropriation. Effective 7/1/50.
(SD1)

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