
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 206E, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 **"PART . ALOHA TOWER COMMUNITY DEVELOPMENT DISTRICT**

6 **§206E-A Established; boundaries.** The Aloha Tower
7 community development district is established. The district
8 shall be located entirely within the Kakaako community
9 development district and shall have the boundaries established
10 pursuant to section 206E-32.

11 **§206E-B Community development rules; powers and duties**
12 **limited.** Notwithstanding any provision to the contrary, the
13 authority shall establish community development rules under
14 chapter 91 on health, safety, building, planning, zoning, and
15 land use which, upon final adoption of a community development
16 plan, shall supersede all other inconsistent ordinances and
17 rules relating to the use, zoning, planning, and development of
18 land and construction thereon, in accordance with section



1 206E-7; provided that any rights, powers, functions, and duties
2 related to the administration of the district that are not
3 specifically enumerated in this section are transferred to the
4 department of transportation, in accordance with chapter 266."

5 SECTION 2. Chapter 266, Hawaii Revised Statutes, is
6 amended by adding two new sections to be appropriately
7 designated and to read as follows:

8 "§266- Harbors modernization group; commercial harbors
9 modernization plan. (a) No later than July 1, 2011, the
10 harbors modernization group shall be administratively placed
11 under the department of transportation. The harbors
12 modernization group shall have jurisdiction over harbors
13 projects for the commercial harbors modernization plan described
14 in subsection (b). All projects, prior to implementation, shall
15 be approved by the governor. If the governor approves a
16 project, the harbors modernization group shall have expending
17 authority over the approved project, notwithstanding any law to
18 the contrary.

19 For purposes of this subsection, the department of
20 transportation shall seek the input and guidance of the United
21 States Department of Transportation Maritime Administration in
22 the management of the harbors modernization project; provided



1 that the department of transportation may enter into an
2 agreement with the United States Department of Transportation
3 Maritime Administration for the purpose of infrastructure
4 improvements of harbors statewide.

5 (b) The harbors modernization group shall have
6 jurisdiction over harbors projects, to be known collectively as
7 the commercial harbors modernization plan, which shall be
8 completed no later than June 30, 2017. These harbors projects
9 shall be as follows:

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



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



1 (c) Land disposition matters in projects identified in the
2 commercial harbors modernization plan, including land
3 acquisition, leasing, and conveyance, and acquisitions of
4 easements or rights-of-way, shall be under the jurisdiction of
5 the board of land and natural resources pursuant to chapter 171.

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

8 (1) The director of transportation, or the director's
9 designee, who shall serve as chairperson;

10 (2) The director of finance, or the director's designee;
11 and

12 (3) Two public members, not including any officer or
13 employee of the State, one to be appointed by the
14 governor from a list of three nominees submitted to
15 the governor by the president of the senate, and one
16 to be approved by the governor from a list of three
17 nominees submitted to the governor by the speaker of
18 the house of representatives; provided that the two
19 public members shall each be directly involved with:

20 (A) Any harbor or offshore mooring facility in the
21 State that is primarily involved with the
22 movement of commercial cargo and passenger



1 vessels entering, departing, or traveling within
2 the state harbor system;

3 (B) An activity that requires or is otherwise
4 directly related to the loading, offloading,
5 storage, or distribution of goods and services by
6 means of seaborne transportation; or

7 (C) Activities that:

8 (i) Promote the welfare, growth, and economic
9 interests of Hawaii's commercial harbors and
10 harbor facilities;

11 (ii) Assist and inform harbor users of, and
12 assist harbor users in, the interpretation
13 of laws, rules, regulations, and proposed
14 and pending legislation applicable to Hawaii
15 harbors and harbor facilities for compliance
16 purposes; and

17 (iii) Foster and encourage the development and
18 improvement of Hawaii harbors and harbor
19 facilities.

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



1 The members of the harbors modernization group shall serve
2 without compensation, but each member shall be reimbursed for
3 expenses, including travel expenses, incurred in the performance
4 of their duties.

5 For purposes of conducting business, a majority of the
6 members of the harbors modernization group shall constitute a
7 quorum. For purposes of voting, a majority of the quorum shall
8 be required for decision making.

9 (e) The department of transportation may apply any
10 revenues derived from commercial development projects in the
11 state harbors to defray the cost of harbor infrastructure
12 improvements.

13 (f) The harbors modernization group shall cease to exist
14 when the harbors modernization plan is completed.

15 §266- Aloha Tower fund. There is created the Aloha
16 Tower fund, to be placed for administrative purposes under the
17 department of transportation. All moneys, rental fees, charges,
18 and other revenues of the department derived from the Aloha
19 Tower Marketplace Project shall be deposited into the fund."

20 SECTION 3. Section 206E-32, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§206E-32 District[+] established[+]; Aloha Tower
2 community development district; boundaries. (a) The Kakaako
3 community development district [~~is established.~~] and the Aloha
4 Tower community development district are established. The Aloha
5 Tower community development district shall be included entirely
6 within the Kakaako community development district and shall
7 include the lands described in subsection (b) of this section.
8 The district shall include that area bounded by King Street;
9 Piikoi Street from its intersection with King Street to Ala
10 Moana Boulevard; Ala Moana Boulevard, inclusive, from Piikoi
11 Street to its intersection with the Ewa boundary of Ala Moana
12 Park also identified as the Ewa boundary of tax map key 2-3-
13 37:01; the Ewa boundary of tax map key 2-3-37:01 from its
14 intersection with Ala Moana Boulevard to the shoreline; the
15 shoreline from its intersection with the property line
16 representing the Ewa boundary of property identified by tax map
17 key 2-3-37:01 to the property line between Pier 2 and Pier 4;
18 the property line between Pier 2 and Pier 4 from its
19 intersection with the shoreline to Ala Moana Boulevard; Ala
20 Moana Boulevard from its intersection with the property line
21 between lands identified by Pier 2 and Pier 4 to Punchbowl
22 Street; and Punchbowl Street to its intersection with King



1 Street; provided that the following parcels at Pier 1 and Pier 2
2 shall be deleted from the Kakaako community development district
3 boundaries and conveyed to the department of land and natural
4 resources to be set aside for the department of transportation
5 and the foreign-trade zone division of the department of
6 business, economic development, and tourism, to ensure continued
7 maritime and foreign commerce use: all of lot 3 and parcels 2,
8 3-A, A, and B of the Forrest Avenue subdivision, as shown on the
9 map filed with the bureau of conveyances of the State of Hawaii
10 as file plan 2335; and lots A-1 and A-2, as shown on map 2,
11 filed in the office of the assistant registrar of the land court
12 of the State of Hawaii with land court application 1328; and
13 provided further that all existing easements affecting and
14 appurtenant to the parcels to be deleted from the Kakaako
15 community development district boundaries shall not be affected
16 by this change.

17 The district shall also include that parcel of land
18 identified by tax map key 2-1-14:16, situated mauka of Pier 6
19 and Pier 7 and makai of Nimitz Highway, being the site for the
20 existing Hawaiian Electric power plant and related facilities.

21 (b) The district shall also include the Aloha Tower
22 community development district, established pursuant to section



1 206E-A, which shall include the area bounded by Nimitz Highway
2 beginning at its intersection with the Diamond Head boundary of
3 tax map key 2-1-13:7 north along Nimitz Highway to its
4 intersection with the makai boundary of tax map key 1 7 1:6;
5 northeast along River Street to its intersection with King
6 Street; north along King Street to its intersection with Iwilei
7 Road west along Iwilei Road to its intersection with Nimitz
8 Highway at the Ewa makai corner of tax map key 1 5 08:1; south
9 along Nimitz Highway to its intersection with the boundary
10 between tax map key 1-5-8:1 and tax map key 1 5 8:9; west along
11 a line to the Diamond Head mauka corner of tax map key 1-5-40:4;
12 west along Nimitz Highway to its intersection with the Ewa
13 boundary of tax map key 1-5-38:4; south along the Ewa boundaries
14 of tax map key 1-5-38:4 and 1-5-38:5 to Honolulu Harbor; east
15 along the waterfront boundary of tax map key 1-5-38:5 to Pier
16 23; south along Pier 23 to the southwest end of Pier 22;
17 continuing along a line in the same direction to its
18 intersection with the Honolulu Harbor Federal Project Line;
19 northeast along the Honolulu Harbor Federal Project Line to a
20 point in Honolulu Harbor 475 feet perpendicular to Pier 11;
21 southwest along a line parallel to Piers 10 and 11 to its
22 intersection with a line extending from the southwest end of



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



1 Head mauka corner of tax map key 1-50-40:4; east along a line to
2 the point of intersection at the boundary between tax map key 1-
3 5-8:1 and tax map key 1-5-8:9; north along Nimitz Highway to the
4 point of beginning at the intersection of Nimitz Highway and
5 Iwilei Road; all fast and submerged lands contained within these
6 areas shall also be included."

7 SECTION 4. Chapter 206J, Hawaii Revised Statutes, is
8 repealed.

9 **PART II**

10 SECTION 5. Except as otherwise provided in this Act, all
11 rights, powers, functions, and duties of the Aloha Tower
12 development corporation are transferred to the department of
13 transportation.

14 SECTION 6. All appropriations, records, equipment,
15 machines, files, supplies, contracts, books, papers, documents,
16 maps, and other personal property heretofore made, used,
17 acquired, or held by the Aloha Tower development corporation
18 shall be transferred to department of transportation.

19 SECTION 7. Notwithstanding any law to the contrary:

20 (1) The two public members from the maritime industry who
21 were serving on the harbors modernization group as of
22 the day before the effective date of this Act shall



1 continue to serve on the harbors modernization group
2 in the capacity of public members from the maritime
3 industry; and

4 (2) The service of all other members on the harbors
5 modernization group who were serving prior to the
6 effective date of this Act shall terminate on the day
7 before the effective date of this Act.

8 SECTION 8. In codifying the new sections added by section
9 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 9. There is appropriated out of the Aloha Tower
13 Fund the sum of \$ or so much thereof as may be
14 necessary for fiscal year 2011-2012 for consultant services to
15 implement the commercial harbors modernization plan and the
16 Aloha Tower Marketplace Project.

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

19 SECTION 10. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 11. This Act shall take effect on July 1, 2011.

22



Report Title:

Aloha Tower Development Corporation; Repeal; Appropriation

Description:

Abolishes the Aloha Tower development corporation (ATDC). Transfers the ATDC assets to the department of transportation. Establishes the Aloha Tower community development district within the Kakaako community development district. Transfers the zoning and planning jurisdiction to the Hawaii community development authority. Makes appropriation. Effective on July 1, 2011. (SD1)

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

