

ACT 183

H.B. NO. 2998

A Bill for an Act Relating to the Hawaii Maritime Authority.

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

SECTION 1. The legislature finds that Hawaii's maritime planning, management, and development functions are currently dispersed among the department of transportation's harbors division, the department of land and natural resources' boating and ocean recreation program, the Hawaii community development authority, and the Aloha Tower development corporation. This multijurisdictional situation has resulted in inefficiencies and conflicts over maritime and nonmaritime uses that are difficult to resolve among agencies.

The legislature further finds that the economic well-being of the State depends in part on the efficient use of all of these resources and that fuller utilization of these resources will enhance and complement efforts to revitalize Hawaii's economy. The legislature believes that coordinated planning and development of maritime and waterfront activities can be carried out more effectively by a single entity having overall consolidated jurisdiction.

It is the intent of the legislature to eventually establish the Hawaii maritime authority, an independent public entity to set statewide policy on all matters relating to Hawaii's maritime lands and facilities. Further, is the intent of the legislature that the functions, duties, and staff of the departments and agencies currently charged

with the responsibilities over state maritime lands and harbor facilities shall be eventually transferred to this authority. However, before the actual establishment of the Hawaii maritime authority, the initiation of authority operations, and the implementation of transfers of functions, duties, and staff, it is the intent of the legislature to create a temporary maritime authority commission. The purpose of this temporary commission is to thoroughly examine the complexities involved, plan the details of the creation of the authority, and make recommendations to the legislature based on its findings, including submitting proposed legislation, regarding:

- (1) The scope of the authority's jurisdiction;
- (2) The specific structure and governance of the authority, including a maritime board, single administrator, or other form of governance;
- (3) The authority's proposed powers, functions, and duties, including the power to issue bonds;
- (4) The method of financing the operation of the authority;
- (5) The authority's relationship with federal, state, and county departments and agencies;
- (6) The best way to facilitate the creation of the authority itself and the accompanying transfers of functions, duties, and staff; and
- (7) Any other matter which the commission finds necessary or relevant to facilitate the creation and operation of the Hawaii maritime authority.

Because of the complexities involved, the legislature intends to delay the actual statutory creation of the Hawaii maritime authority and to give the temporary maritime authority commission, created in section 2, until December 20, 1998, to propose the exact form and details of the establishment of the Hawaii maritime authority to the legislature for action in the regular session of 1999.

SECTION 2. (a) There is created a temporary maritime authority commission, to be placed within the department of transportation for administrative purposes only, to thoroughly examine the complexities involved, plan the details of the creation of the Hawaii maritime authority and make recommendations to the legislature based on its findings, including submitting proposed legislation regarding:

- (1) The scope of the authority's jurisdiction;
 - (2) The specific structure and governance of the authority, including a maritime board, single administrator, or other form of governance;
 - (3) The authority's proposed powers, functions, and duties, including the power to issue bonds;
 - (4) The method of financing the operation of the authority;
 - (5) The authority's relationship with federal, state, and county departments and agencies;
 - (6) The best way to facilitate the creation of the authority itself and the accompanying transfers of functions, duties, and staff; and
 - (7) Any other matter which the commission finds necessary or relevant to facilitate the creation and operation of the Hawaii maritime authority.
- (b) The fifteen-member commission shall be composed of the following:
- (1) The director of transportation or a designee;
 - (2) The director of business, economic development, and tourism or a designee;
 - (3) The director of finance or a designee;
 - (4) The chairperson of the board of land and natural resources or a designee;
 - (5) The chief executive officer of the Aloha Tower development corporation;

- (6) The chief executive officer of the Hawaii community development authority;
- (7) The chairperson of the office of Hawaiian affairs or a designee;
- (8) One member representing the general public, to be appointed by the governor, from each of the four counties on the bases of the person's knowledge, expertise, and experience in maritime, boating, ocean recreation, coastal zone management, business, planning, or related areas;
- (9) Two members representing the private maritime industry, to be appointed by the governor; and
- (10) Two members representing labor, to be appointed by the governor.

(c) The director of transportation, or designee, shall act as chairperson of the commission. All members shall have the right to vote. Eight members shall constitute a quorum, whose affirmative vote shall be necessary for all actions by the commission. In its deliberations, the commission shall use a collaborative decision-making process. Members shall serve without compensation, but may be reimbursed for the necessary expenses, including travel expenses, incurred in the performance of their duties.

(d) The department of transportation shall provide all necessary support services to facilitate the work of the commission.

(e) The commission shall convene its first meeting not later than ten days after the effective date of this Act.

(f) The commission shall submit its final report to the legislature no later than December 20, 1998. The report shall include the commission's recommendations as encompassed by, but not limited to, this section and shall also include all necessary proposed legislation to statutorily create the Hawaii maritime authority for the legislature's action in the regular session of 1999.

(g) The temporary maritime authority commission shall be dissolved upon adjournment sine die of the regular session of 1999.

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

(Approved July 16, 1998.)