

SB 1247



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 24, 2011

COMMENTS OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 1247, SD1

COMMITTEE ON WAYS AND MEANS

The Department of Transportation does not support Senate Bill No. 1247, SD1 and recommends several amendments.

First, we recommend the TMK parcels be redefined to only include the Aloha Tower Project area. Chapter 206J, Hawaii Revised Statutes, established the Aloha Tower complex and placed this area under the redevelopment jurisdiction of the Aloha Tower Development Corporation (ATDC). ATDC's jurisdiction included lands makai of Nimitz Highway from piers 4 through 6, Piers 8 through 23 and portions of Nimitz Highway and Iwilei. As written, this bill transfers all properties within ATDC's jurisdiction to the Hawaii Community Development Authority (HCDA). DOT has no objections to the transfer of ATDC's waterfront development functions to the Hawaii Community Development Authority (HCDA), provided that the areas under their jurisdiction are reduced to only include the Aloha Tower Project area.

Second, this bill proposes to transfer ATDC's assets to the Department of Transportation (DOT). This transfer will also include the Marketplace lease, which serves as a cornerstone for the development of the Aloha Tower Project area. ATDC owes the DOT approximately \$7.7 million in past due obligations. We strongly feel that the bill should provide for the transfer of assets and obligations of ATDC to HCDA so a responsible entity can continue to work with DOT to settle the outstanding debt as well as resolve the Marketplace's financial issues under the lease.

Notwithstanding that the DOT assumed full management of the Harbors Modernization Plan (HMP), due to the lack of operating appropriations to ATDC effective July 1, 2011, the bill further proposes to transfer the implementation of the HMP to the DOT. Our foremost interest is in ensuring the continued expedited implementation of these New Day Work projects. In that regard, we offer replacement language to address this concern.

Attached is a suggested draft incorporating our recommendations for consideration by this Committee.

Report Title:

Aloha Tower Development Corporation; Repeal; Transfer of responsibilities; Appropriation

Description:

Abolishes Aloha Tower development corporation. Transfers redevelopment authority of the Aloha Tower Complex to the Hawaii community development authority. Clarifies responsibilities for the Harbors Modernization Plan. Effective upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

PART I

SECTION 1. Except as otherwise provided in this Act, all rights, powers, functions, obligations and duties of the Aloha Tower development corporation are transferred to the Hawaii community development authority.

SECTION 2. All appropriations, records, equipment, machines, files, supplies, contracts, leases, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the Aloha Tower development corporation shall be transferred to the Hawaii community development authority.

SECTION 3. The Aloha Tower fund created by section 206J-17 shall be transferred to the Hawaii community development authority. All moneys, rentals, charges, and other revenues from the Aloha Tower Complex shall be deposited into the fund.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

PART III

SECTION 6. Chapter 266, Hawaii Revised Statutes, is amended by adding a section to be appropriately designated and to read as follows:

"§266- Implementation of the commercial harbors modernization plan. No later than July 1, 2010, the implementation of the harbors modernization plan shall be the responsibility of the department of transportation. All projects, prior to implementation, shall be approved by the governor."

SECTION 7. There is appropriated out of the Aloha Tower Fund the sum of \$_____ or so much thereof as may be necessary for fiscal year 2011-2012 for operating expenses. The sum appropriated shall be expended by the Hawaii community development authority for the purposes of this Act.

SECTION 8. New statutory material is underscored.

SECTION 9. This Act shall take effect upon approval.

INTRODUCED BY: _____

By Request



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

Neil Abercrombie
Governor

C. Scott Bradley
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON WAYS AND MEANS

Thursday, February 24, 2011

9:00 A.M.

State Capitol, Conference Room 211

**S. B. 1247, S. D. 1 – RELATING TO ALOHA TOWER
DEVELOPMENT CORPORATION**

Purpose: Repeals Chapter 206J, HRS Aloha Tower Development Corporation (ATDC). Transfers the ATDC's assets and Aloha Tower Fund to the Department of Transportation and the zoning and planning jurisdiction to the Hawaii Community Development Authority (HCDA). Establishes the Aloha Tower Community Development District. Establishes the Harbor Modernization Group/Commercial Harbors Modernization Plan under the Department of Transportation (DOT).

Position: The HCDA takes no position relating to the repeal of the ATDC and provides the following comments regarding the proposed transfer of functions and duties.

Section 1, 3 and 8: Amends Chapter 206E, HRS by adding a new part establishing the Aloha Tower Community Development District and including it within the Kakaako Community Development District. The mandate and authority of the HCDA is nearly identical to that of the ATDC. Therefore, given the similarities in function and as the HCDA's current capacities are sufficient to cover the additional responsibilities, the HCDA supports the transfer of the

ATDC's zoning and planning functions to the HCDA. However, the HCDA would prefer to have the Aloha Tower area be included in the Kakaako Community Development District (Kakaako CDD) rather than a separate community development district within the Kakaako CDD. In particular, §206E-3 provides "if an additional district is designated by the legislature, the total membership of the authority shall be increased as prescribed above by the appointment of three additional members . . .". The HCDA believes adding a new community development district and the required additional three Authority members is unnecessary because the existing Authority members have the requisite experience and expertise to make decisions that would effectively manage an expanded Kakaako CDD.

Section 2: Establishing a Harbor Modernization Group, Commercial Harbors Modernization Plan under the DOT and transfers the Aloha Tower Fund to the DOT – The HCDA takes no position on the specifics of this section, but offers its understanding of the critical importance for the State of Hawaii to maintain and enhance the capacities and operations of the statewide commercial harbors system. It is critically important that the work of the harbor modernization group proceeds without a break in its operations under the auspices of the DOT.

Section 4: Repeals Chapter 206J, HRS – The HCDA takes no position.

Sections 5 and 6: Transfers ATDC's assets, rights and personal property to the DOT. The HCDA takes no position on the merits of transferring the assets to the DOT. The HCDA understands that the DOT holds title to the Aloha Tower Project Area lands and the ATDC has an outstanding financial obligation to the DOT for their lease of such lands. Accordingly, rents from the lands and the balance of the Aloha Tower Fund should be used to pay off the ATDC's financial obligation to the DOT.

Section 7: Composition of the Harbors Modernization Group – The HCDA takes no position.

Section 9: Makes an appropriation to the DOT from the Aloha Tower

Fund. The HCDA takes no position.

Thank you for the opportunity to provide comments on this proposal.

From: Tehine Avilla [hooonani96792@gmail.com]
Sent: Wednesday, February 23, 2011 8:40 AM
To: WAM Testimony
Subject: SB 1247

To whom it may concern,

My name is Tehine Avilla, I am currently a client with Evercare. I recently had a decrease in my hours due to falsified documents by Service Coordinator Donna. She has put down I am able to do tasks on my own. I am a quadriplegic paralyzed from the neck down. I have no control of my limbs; I cannot dress or bathe myself. Basically I need help. I have uncontrollable spasms that make me jump so hard leaving me on the floor; one of those times left me a scar under my eye. Donna sat next to me asking questions about chore help and my seventeen year old cousin who lives with me as a dependent. Not once did she ask anything about my personal care. How long is my shower? And so forth. I also have open wounds under my feet that my spasms keep opening up. This is another reason why I can't be alone. At this moment I am appealing my case against Evercare for cutting my hours while I was appealing. I had to argue my way to the CEO of Evercare just to be reinstated. Just recently I was denied my appeal. My case is now going to be in external review. If you take this bill SB 1274 away from us we will not be heard. Cases like mine won't get a fighting chance. When your Service Coordinator slips up, we have a chance to try and correct the wrong. Don't take away our right to be heard. Thank you for your time!