



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 1053

July 11, 2005

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith HB85 HD2 SD2, without my approval, and with the statement of objections relating to the measure.

HB85 HD2 SD2

A BILL FOR AN ACT RELATING TO
HARBORS.

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 11, 2005

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 85

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 85, entitled "A Bill for an Act Relating to Harbors."

The purpose of this bill is to transfer jurisdiction and authority over Honolulu Harbor piers 1 and 2 from the Hawaii Community Development Authority (HCDA) to the Department of Transportation.

This bill is objectionable because, section 3 erroneously excludes from the land under the jurisdiction of HCDA the area east of Forrest Avenue and attempts to transfer title to the Department of Transportation. It appears the bill intended to transfer lands west of Forrest Avenue.

This inaccurate description clouds title to lands under HCDA's jurisdiction. A portion of the area this bill would exclude from HCDA's jurisdiction is presently the subject of a recently issued request for proposal (RFP) for development. This development is ultimately estimated to require an investment of approximately three quarters of a billion dollars. Given the uncertainty of HCDA's jurisdiction over the subject area if this bill became law, potential bidders would be reluctant to take part in the development solicitation & process, given the large up-front investment required for the preparation of responses to the request for proposal.

Furthermore, the area excluded by this bill from HCDA's jurisdiction includes the Kakaako Waterfront Park, the Makai Gateway Parks, the University of Hawaii Medical School complex, and the site of the proposed Cancer Research Center, all of which

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have been or will be developed by HCDA under its existing statutory authorities. House Bill No. 85 creates doubt to which state entity would be responsible for the maintenance, repair, and coordination of these existing & proposed facilities.

Finally, it should be noted that the use of Forrest Avenue is not an accurate description because Forrest Avenue is an easement within the Forrest Avenue Subdivision and cannot legally serve as a parcel boundary.

For the foregoing reasons, I am returning House Bill No. 85 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii