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# A BILL FOR AN ACT

RELATING TO BOATING.

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

1           SECTION 1. Chapter 200, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§200-    User advisory committee; duties. (a) There is  
5 established for each small boat harbor administered by the board  
6 a user advisory committee consisting of eight members to be  
7 appointed by the governor to advise the board and the department  
8 on matters relating to the management of the small boat harbor.  
9 Each user advisory committee shall select a chairperson from its  
10 membership. The user advisory committee shall meet on the call  
11 of the chairperson or upon the request of a majority of its  
12 members.

13           (b) Each member of a user advisory committee shall be an  
14 active user of the small boat harbor that is represented by the  
15 user advisory committee for that harbor. To the extent  
16 practicable, the governor shall appoint members to each user  
17 advisory committee to be proportionately representative of



1 recreational users, fishing users, and commercial users of that  
2 small boat harbor.

3 (c) The members of each committee shall serve without  
4 compensation but shall be reimbursed for expenses, including  
5 travel expenses, necessary for the performance of their duties.

6 (d) Except as otherwise provided in this section, the  
7 committee shall be subject to sections 26-34, 26-35, 26-35.5,  
8 and 26-36.

9 (e) The duties and responsibilities of each user advisory  
10 committee shall be to advise the board on all matters relating  
11 to the management of the small boat harbor the committee  
12 represents, including but not limited to the following:

13 (1) General daily administration of the operations and  
14 maintenance of the small boat harbor;

15 (2) Proposals for any increases or changes in any permits  
16 or fee schedules for the small boat harbor;

17 (3) Any proposed improvements to the small boat harbor;

18 (4) Any disputes between users of the small boat harbor or  
19 between a user and an official or employee of the  
20 department;

21 (5) Any proposed rules of the board relating to the  
22 management of all small boat harbors;



- 1        (6) Any proposed transfer of any commercial permit issued
- 2                for the small boat harbor; and
- 3        (7) Any other matters that the board or department
- 4                requests the user advisory committee to consider."

5        SECTION 2. Section 200-10, Hawaii Revised Statutes, is  
6 amended by amending subsection (c) to read as follows:

7        "(c) The permittee shall pay moorage fees to the  
8 department for the use permit that shall be based on, but not  
9 limited to, the use of the vessel, its effect on the harbor, use  
10 of facilities, and the cost of administering this mooring  
11 program; and, furthermore:

12        (1) Moorage fees shall be established by the department  
13 and shall be higher for nonresidents; provided that  
14 the fees in effect on January 1, 2006, shall be:

15        (A) Increased fifty per cent on July 1, 2006;

16        (B) Thereafter increased by ten per cent on July 1  
17 for the years 2007, 2008, 2009, and 2010; and

18        (C) Thereafter as established by administrative rule  
19 beginning July 1, 2010;

20        (2) An application fee shall be collected when applying  
21 for moorage in state small boat harbors and shall

1           thereafter be collected annually when the application  
2           is renewed. The application fee shall be:

3           (A) Set by the department; and

4           (B) Not less than \$100 for nonresidents;

5       (3) If a recreational vessel is used as a place of  
6           principal habitation, the permittee shall pay, in  
7           addition to the moorage fee, a liveaboard fee that  
8           shall be calculated at a rate of:

9           (A) \$5.20 a foot of vessel length a month if the  
10           permittee is a state resident; and

11           (B) \$7.80 a foot of vessel length a month if the  
12           permittee is a nonresident;

13           provided that the liveaboard fees established by this  
14           paragraph may be increased by the department at the  
15           rate of the annual cost-of-living index, but not more  
16           than five per cent in any one year, beginning  
17           January 1 of each year; and

18       (4) If a vessel is used for commercial purposes from its  
19           permitted mooring, the permittee shall pay, in lieu of  
20           the moorage and liveaboard fee, a fee based on three  
21           per cent of the gross revenues derived from the use of  
22           the vessel or two times the moorage fee assessed for a


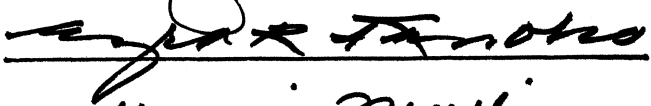
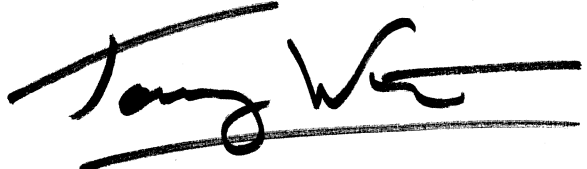
1 recreational vessel of the same size, whichever is  
2 greater."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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 Hamin Nouli  
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JAN 24 2006



HB 25TF

**Report Title:**

Small Boat Harbors

**Description:**

Establishes user advisory committee for each small boat harbor; raises mooring fees in effect 1/1/06 by 50% on 7/1/06, thereafter by 10% on 7/1 for years 2007, 2008, 2009, 2010, and thereafter by administrative rule

