

Honolulu, Hawaii

APR 04 2007

RE: H.B. No. 507  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 507, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BOATING,"

begs leave to report as follows:

The purpose of this measure is to prohibit the transfer of the management of the State's small boat harbors to the counties unless expressly provided by law.

Your Committee received comments in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, the Hawaii Boaters Political Action Association, and two individuals. The Department of Land and Natural Resources submitted comments in opposition to this measure and Paradise Cruises, Ltd. submitted comments.

Your Committee notes that section 6, article V, of the state constitution provides in part that "All executive and administrative offices, departments, and instrumentalities of the state government and their respective powers and duties shall be allocated by law...", that is, by the legislative process. Accordingly, any transfer of "respective powers and duties" between and among the various departments and instrumentalities of state government, including political subdivisions thereof, is a legislative function. This would include any transfer of the jurisdiction, management, and operational control of the State's small boat harbors, which the legislature, by Act 272, Session Laws of Hawaii 1991, transferred from the Department of



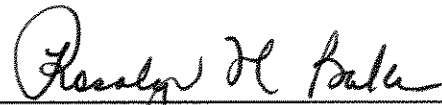
Transportation to the Department of Land and Natural Resources. This measure expressly reaffirms that legislative allocation of responsibility.

Your Committee has amended this measure by:

- (1) Providing for the codification of this measure by including the contents preventing the Board of Land and Natural Resources from transferring the jurisdiction, management, or operations of the State's small boat harbors to another department or agency or to any county, except as expressly provided by law, in section 200-2, Hawaii Revised Statutes; and
- (2) Making format and technical nonsubstantive changes for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 507, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 507, H.D. 2, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,




ROSALYN H. BAKER, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 507 HD2	WAM, WAM	3/28/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
KIM, Donna Mercado	/			
MENOR, Ron	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred	/			
WHALEN, Paul				/
<b>TOTAL</b>	10	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

\*Only one measure per Record of Votes