
A BILL FOR AN ACT

RELATING TO KEWALO BASIN.

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

1 SECTION 1. The legislature finds that in 1990, the
2 legislature conveyed to the Hawaii community development
3 authority all state-owned lands lying in the area makai of Ala
4 Moana Boulevard from the ewa side of Ala Moana Park to the
5 property line between Pier 2 and Pier 4 (makai area). This area
6 includes the Kewalo basin, a harbor facility used primarily for
7 the berthing of commercial vessels. The department of
8 transportation continues to manage Kewalo basin even after its
9 conveyance to the Hawaii community development authority.

10 The legislature recognizes that use of Kewalo basin may be
11 expanded to include pleasure craft and other recreational users
12 and that these uses would not fit into the primary functions of
13 the department of transportation although some elements are
14 intertwined with certain commercial activities.

15 The legislature further finds that management of Kewalo
16 basin for pleasure and recreational vessels, including the use
17 by small craft, would be more appropriate for the department of



1 land and natural resources under its ocean recreation and
2 coastal areas program.

3 The purpose of this Act is to establish the department of
4 land and natural resources as the agency responsible for the
5 management of the harbor facilities of Kewalo basin.

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

9 "§200- Kewalo basin; management. Any law to the
10 contrary notwithstanding, the department of land and natural
11 resources shall have sole jurisdiction and administrative
12 responsibility for the management of the maritime uses and the
13 submerged lands within Kewalo basin. This management
14 responsibility shall not include the contiguous fast lands of
15 the Kewalo basin harbor."

16 SECTION 3. Chapter 206E, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§206E- Kewalo basin; management. Any law to the
20 contrary notwithstanding, the department of land and natural
21 resources shall have sole jurisdiction and administrative
22 responsibility for the management of the maritime uses and the



1 submerged lands within Kewalo basin. This management
2 responsibility shall not include the contiguous fast lands of
3 the Kewalo basin harbor."

4 SECTION 4. All rights, powers, functions, and duties of
5 the Hawaii community development authority with regard to the
6 management of the maritime uses and the submerged lands within
7 Kewalo basin are transferred to the department of land and
8 natural resources.

9 All officers and employees whose functions are transferred
10 by this Act shall be transferred with their functions and shall
11 continue to perform their regular duties upon their transfer,
12 subject to the state personnel laws and this Act.

13 No officer or employee of the State having tenure shall
14 suffer any loss of salary, seniority, prior service credit,
15 vacation, sick leave, or other employee benefit or privilege as
16 a consequence of this Act, and such officer or employee may be
17 transferred or appointed to a civil service position without the
18 necessity of examination; provided that the officer or employee
19 possesses the minimum qualifications for the position to which
20 transferred or appointed; and provided that subsequent changes
21 in status may be made pursuant to applicable civil service and
22 compensation laws.



1 An officer or employee of the State who does not have
2 tenure and who may be transferred or appointed to a civil
3 service position as a consequence of this Act shall become a
4 civil service employee without the loss of salary, seniority,
5 prior service credit, vacation, sick leave, or other employee
6 benefits or privileges and without the necessity of examination;
7 provided that such officer or employee possesses the minimum
8 qualifications for the position to which transferred or
9 appointed.

10 If an office or position held by an officer or employee
11 having tenure is abolished, the officer or employee shall not
12 thereby be separated from public employment, but shall remain in
13 the employment of the State with the same pay and classification
14 and shall be transferred to some other office or position for
15 which the officer or employee is eligible under the personnel
16 laws of the State as determined by the head of the department or
17 the governor.

18 SECTION 5. All appropriations, records, equipment,
19 machines, files, supplies, contracts, books, papers, documents,
20 maps, and other personal property heretofore made, used,
21 acquired, or held by the Hawaii community development authority
22 relating to the functions transferred to the department of land



1 and natural resources shall be transferred with the functions to
2 which they relate.

3 SECTION 6. All rules, policies, procedures, guidelines,
4 and other material adopted or developed by the Hawaii community
5 development authority with respect to the management of the
6 maritime uses and the submerged lands within Kewalo basin shall
7 remain in full force and effect until amended or repealed by the
8 department of land and natural resources pursuant to chapter 91,
9 Hawaii Revised Statutes. In the interim, every reference to the
10 Hawaii community development authority in those rules, policies,
11 procedures, guidelines, and other material as they relate to the
12 management of the maritime uses and the submerged lands within
13 Kewalo basin is amended to refer to the department of land and
14 natural resources or the chairperson of the board of land and
15 natural resources, as appropriate.

16 SECTION 7. It is the intent of this Act not to jeopardize
17 the receipt of any federal aid nor to impair the obligation of
18 the State or any agency thereof to the holders of any bond
19 issued by the State or by any such agency, and to the extent,
20 and only to the extent, necessary to effectuate this intent, the
21 governor may modify the strict provisions of this Act, but shall
22 promptly report any such modification with reasons therefor to



H.B. NO. 2804

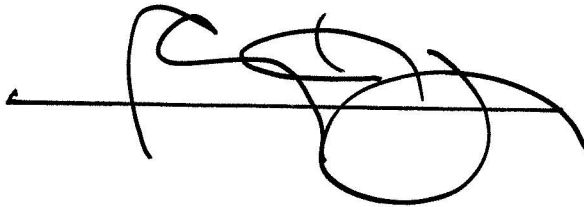
1 the legislature at its next session thereafter for review by the
2 legislature.

3 SECTION 8. New statutory material is underscored.

4 SECTION 9. This Act shall take effect upon its approval.

5

INTRODUCED BY:



Tom Brown
K. H.

Paul Chung
Melo Carroll
Maria P.

Tony W.

Kiril Caldwell

John M. Meyer
Marilyn B. Lee

James A. Ober

Julia A. Pelletti
Paul Wood



Report Title:

Kewalo Basin; Jurisdiction; Transfer to DLNR

Description:

Transfers from the Hawaii community development authority to the department of land and natural resources sole jurisdiction and administrative responsibility for the management of the maritime uses and the submerged lands within Kewalo basin.

