

Honolulu, Hawaii

Feb 20, 2009

RE: H.B. No. 1766

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 1766 entitled:

"A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS,"

begs leave to report as follows:

The purpose of this bill is to permit commercial vessels to occupy Ala Wai Boat Harbor if the vessel has a permitted moorage at Ala Wai Boat Harbor and does not engage in any commercial activities in the harbor.

The Ocean Tourism Coalition supported this bill with amendments. Numerous concerned individuals opposed this measure. The Department of Land and Natural Resources (DLNR), Hawaii's Thousand Friends, and several concerned individuals provided comments.

For purposes of the public hearing, your Committee circulated a proposed H.D. 1 version that deletes the provisions of the bill and inserts new language:

- (1) Allowing the limited issuance of commercial use permits for vessels with assigned moorings in Ala Wai and Keehi Boat Harbors;
- (2) Providing for future mooring fees to be established by appraisal by a state licensing appraiser and assigned a schedule B rate, while existing mooring holders remain



in a schedule A class that shall equal schedule B rates over a five-year period; and

- (3) Directing DLNR to use the request for proposals process to enter into a public-private partnership for the development of portions of Ala Wai Boat Harbor facilities that are presently underused to maximize the revenue potential from its facilities.

Your Committee has amended this bill by adopting the language in the proposed H.D. 1. Your Committee has further amended the proposed H.D. 1 by:

- (1) Deleting the restrictions on the length of vessels eligible for commercial use permits at Ala Wai Boat Harbor;
- (2) Authorizing the Board of Land and Natural Resources to designate mooring areas for commercial vessels within the Ala Wai and Keehi Boat Harbors that minimize the effects on the harbors and recreational boaters, instead of specifying which slips they may occupy;
- (3) Providing that the commercial mooring areas shall be phased-in in such a way as to not permanently displace any existing recreational boaters or existing catamaran operators;
- (4) Deleting language setting forth the specific slips that the vessels that are issued commercial use permits at Ala Wai Boat Harbor can occupy;
- (5) Authorizing, instead of requiring, DLNR to develop Ala Wai Boat Harbor; and
- (6) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1766, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1766, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,




KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HBL766	Committee Referral: WLO, FIN	Date: 2/13/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. COFFMAN, Denny			✓	
7. HERKES, Robert N.	✓			
8. LEE, Chris		✓		
9. LUKE, Sylvia	✓			
10. MORITA, Hermina M.		✓		
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	10	2	1	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				