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## 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  
11 become more vital to the fishing industry of the state as  
12 Honolulu harbor reaches its capacity in the immediate future.  
13 The department of transportation is completely occupied with  
14 major shipping interests and cannot undertake the management of  
15 a smaller commercial harbor at this time, although some  
16 commercial activities at Kewalo basin and Honolulu harbor are  
17 intertwined.



1 The legislature further finds that management of Kewalo  
2 basin for smaller commercial vessels should be handled by a more  
3 appropriately suited state agency.

4 The purpose of this Act is to establish the as  
5 the agency responsible for the management of Kewalo basin and  
6 the immediately surrounding fast lands.

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

10 "§200- Kewalo basin; management. Any law to the  
11 contrary notwithstanding, the shall have sole  
12 jurisdiction and administrative responsibility for the  
13 management of the maritime uses and submerged lands within  
14 Kewalo basin and the immediately adjacent fast lands out to the  
15 Ala Moana park wall on the diamond head side and out to the  
16 first street in all other directions."

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

20 "§206E- Kewalo basin; management. Any law to the  
21 contrary notwithstanding, the shall have sole  
22 jurisdiction and administrative responsibility for the



1 management of the maritime uses and submerged lands within  
2 Kewalo basin and the immediately adjacent fast lands out to the  
3 Ala Moana park wall on the diamond head side and out to the  
4 first street in all other directions."

5 SECTION 4. All rights, powers, functions, and duties of  
6 the Hawaii community development authority and the department of  
7 transportation with regard to the management of the maritime  
8 uses and submerged lands within Kewalo basin and the immediately  
9 adjacent fast lands out to the Ala Moana park wall on the  
10 diamond head side and out to the first street in all other  
11 directions are transferred to the .

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

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



1 transferred or appointed; and provided that subsequent changes  
2 in status may be made pursuant to applicable civil service and  
3 compensation laws.

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

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

21 SECTION 5. All appropriations, records, equipment,  
22 machines, files, supplies, contracts, books, papers, documents,



1 maps, and other personal property heretofore made, used,  
2 acquired, or held by the Hawaii community development authority  
3 or the department of transportation relating to the functions  
4 transferred by this Act to the shall be transferred  
5 with the functions to which they relate.

6 SECTION 6. All rules, policies, procedures, guidelines,  
7 and other material adopted or developed by the Hawaii community  
8 development authority or the department of transportation with  
9 respect to the management of the maritime uses and submerged  
10 lands within Kewalo basin and the immediately adjacent fast  
11 lands out to the Ala Moana park wall on the diamond head side  
12 and out to the first street in all other directions shall remain  
13 in full force and effect until amended or repealed by  
14 the pursuant to chapter 91, Hawaii Revised Statutes.  
15 In the interim, every reference to the Hawaii community  
16 development authority and the department of transportation in  
17 those rules, policies, procedures, guidelines, and other  
18 material as they relate to the management of the maritime uses  
19 and submerged lands within Kewalo basin and the immediately  
20 adjacent fast lands out to the Ala Moana park wall on the  
21 diamond head side and out to the first street in all other



1 directions is amended to refer to the or the  
2 of , as appropriate.

3 SECTION 7. It is the intent of this Act not to jeopardize  
4 the receipt of any federal aid nor to impair the obligation of  
5 the State or any agency thereof to the holders of any bond  
6 issued by the State or by any such agency, and to the extent,  
7 and only to the extent, necessary to effectuate this intent, the  
8 governor may modify the strict provisions of this Act, but shall  
9 promptly report any such modification with reasons therefor to  
10 the legislature at its next session thereafter for review by the  
11 legislature.

12 SECTION 8. New statutory material is underscored.

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

14 INTRODUCED BY: Tom Brown

JAN 23 2009



**Report Title:**

Kewalo Basin; Jurisdiction

**Description:**

Transfers from the Hawaii Community Development Authority and the Department of Transportation to an unspecified agency the sole jurisdiction and administrative responsibility for the management of the maritime uses and submerged lands within Kewalo Basin and the immediately surrounding fast lands.

