

STAND. COM. REP. NO.

1082

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 1766  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.B. No. 1766, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow the limited issuance of commercial use permits for vessels with assigned moorings in Ala Wai and Keehi Harbors;
- (2) Provide for future mooring fees to be established by appraisal by a state-licensed appraiser and assigned a schedule B rate, while existing mooring holders remain in a schedule A class that shall equal schedule B rates by July 1, 2014; and
- (3) Direct the Department of Land and Natural Resources to use the request for proposals process to enter into a public-private partnership for the development of portions of Ala Wai Harbor facilities that are presently under-used to maximize the revenue potential from its facilities.

Testimony in support of this measure was submitted by three organizations and four public citizens. Four organizations and five public citizens provided comments. Testimony in opposition



was submitted by one state agency, six organizations, and thirty-three public citizens. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that the Ala Wai Harbor is badly in need of repair and replacement of floating docks, but its repair remains unfulfilled. In spite of this need, the Ala Wai Harbor includes assets within its facilities that are underused, which, if properly developed, can potentially generate revenues that could benefit not only its continued improvement and maintenance, but also benefit the rest of the facilities now operated by the Division of Boating and Recreation. Despite these difficult economic times, the State cannot afford to ignore the maintenance and repair needs of the State's small boat harbors.

Your Committee has amended this measure by:

- (1) Eliminating the authorization for the Board of Land and Natural Resources to lease submerged lands within an existing state boating facility;
- (2) Eliminating the list of designated areas within Ala Wai Harbor where the Department of Land and Natural Resources is authorized to lease fast lands using the request for proposals process for public-private development, management, and operation of the harbor;
- (3) Removing the provision that made it unnecessary for the Legislature to adopt a concurrent resolution in order to allow the lease of submerged lands;
- (4) Changing the effective date from July 1, 2020, to July 1, 2009; and
- (5) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1766, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1766, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land,  
Agriculture, and Hawaiian  
Affairs,




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CLAYTON HEE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:* <b>HB 1766, HD2</b>	Committee Referral: <b>WTL, WAM</b>	Date: <b>3/25/09</b>		
<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
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert				✓
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred			✓	
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes