
A BILL FOR AN ACT

RELATING TO HARBORS.

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

SECTION 1. Section 266-2.3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Notwithstanding any law to the contrary, the department of transportation shall allow, on a space available basis, a vessel with a use permit authorizing the vessel to moor in Kewalo basin to moor in Honolulu harbor at no additional cost and with no additional use permit required under the following conditions:

- (1) The manager of Kewalo basin prohibits entrance into Kewalo basin because of inclement weather or ocean conditions; provided that as soon as the manager of Kewalo basin opens the entrance to vessels, the vessel shall leave Honolulu harbor; or
- (2) The owner or operator of a commercial fishing vessel desires to sell the owner's or operator's catch of fish to a business operating within Honolulu harbor or otherwise conduct business within Honolulu harbor; provided that the vessel shall not moor in Honolulu harbor for a period longer than is necessary to unload all or some of the catch of fish for sale or otherwise conduct business; and
- (3) The owner of the vessel is current in its payments of any moneys, rates, fees, dues, compensation, fines, or penalties assessed

against the vessel that are due to the State."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

Harbors; Mooring; Honolulu Harbor; Kewalo Basin

Description:

Amends conditions under which a vessel authorized to moor in Kewalo Basin is allowed to moor in Honolulu Harbor.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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GOVERNOR



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IN REPLY REFER TO:

February, 3, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2298, RELATING TO HARBORS

COMMITTEE ON TRANSPORTATION
COMMITTEE ON WATER, LAND & OCEAN RESOURCES

The Department has no objections in clarifying the conditions provided in Section 266-2.3, Hawaii Revised Statutes, to allow vessels with a use permit at Kewalo Basin to enter Honolulu Harbor on a space available basis at no additional cost if entrance into Kewalo Basin is prohibited due to inclement weather or ocean conditions.

Thank you for the opportunity to present our comments.



Ocean Tourism Coalition

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February 3, 2010

Testimony To: House Committee on Transportation
Representative Joseph M. Souki, Chair

House Committee on Water, Land, & Ocean Resources
Representative Ken Ito, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 2298 – RELATING TO HARBORS

Chair Souki, Chair Ito and Members of the Joint Committees:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition and we support this bill.

This bill is necessitated based on reading or interpretation of Act 79-08 which this Committee assisted with towards the passage of that Act. The overall subject matter is allowing the interchange of harbor use between Kewalo Basin and Honolulu Harbor; one under the jurisdiction of HCDA and the other under the jurisdiction of the Department of Transportation.

Under the terms of the bill, a vessel that is moored in Kewalo Basin can moor in Honolulu Harbor if it meets certain conditions; due to inclement weather, to conduct of business within the other harbor and as long as the owner of the vessel is current in the payment of fees.

Unfortunately, the word "or" was left out of the end of Section 1 rendering a reading that in order for a vessel owner to avail themselves of this legislation they had to meet all three (3) requirements when in fact, the intent was that they meet any one (1) of the three (3) requirements.

We apologize to the Committee that we have to come before you and ask for a passage of a bill to add in one (1) word however, as we all know, in the law, that one (1) little word can make a huge difference.

Based on the above, we request your favorable consideration.

Thank you.