



GOV. MSG. NO. 1179

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 1, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

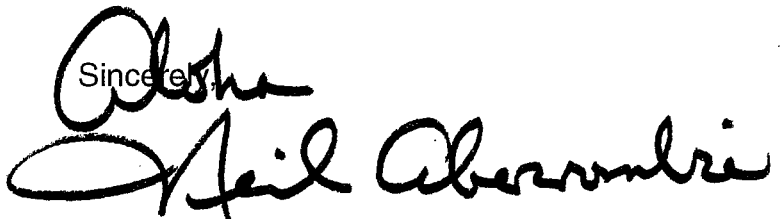
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 1, 2011, the following bill was signed into law:

HB931 SD1 CD1

RELATING TO SMALL BOAT HARBORS
Act 076 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 931
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO SMALL BOAT HARBORS.

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

1 SECTION 1. Section 200-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§200-9 Purpose and use of state small boat harbors. (a)

4 State small boat harbors are constructed, maintained, and
5 operated for the purposes of:

6 (1) Recreational boating activities;

7 (2) Landing of fish; and

8 (3) Commercial vessel activities.

9 ~~[For the purpose of this section, "recreational boating~~
10 ~~activities" means the utilization of watercraft for sports,~~
11 ~~hobbies, or pleasure, and "commercial vessel activities" means~~
12 ~~the utilization of vessels for activities or services provided~~
13 ~~on a fee basis.] To implement these purposes, only vessels in~~
14 good material and operating condition that are regularly
15 navigated beyond the confines of the small boat harbor, and
16 which are used for recreational activities, the landing of fish,
17 or commercial vessel activities shall be permitted to moor,
18 anchor, or berth at such harbor or use any of its facilities.



1 (b) Vessels used for purposes of recreational boating
2 activities which are also the principal habitation of the owners
3 shall occupy no more than one hundred twenty-nine berths at Ala
4 Wai boat harbor and thirty-five berths at Keehi boat harbor,
5 which is equal to fifteen per cent of the respective total
6 moorage space that was available as of July 1, 1976, at the Ala
7 Wai and Keehi boat harbors. Notwithstanding the purposes of
8 small boat harbors, moorage for commercial vessels and
9 commercial vessel activities is not permitted in the Ala Wai and
10 Keehi boat harbors; provided that commercial catamarans, for
11 which valid permits or registration certificates have been
12 issued by the department which allow the catamarans to operate
13 upon Waikiki shore waters for hire, may be permitted to moor in
14 Ala Wai boat harbor at facilities leased for commercial
15 purposes. The department shall allow a sole proprietor of a
16 catamaran operating with a valid commercial registration
17 certificate issued by the department for a commercial catamaran
18 to land its commercial catamaran on Waikiki beach and to operate
19 upon Waikiki shore waters for hire, to transfer the ownership of
20 the vessel from personal ownership to corporate or other
21 business ownership without terminating the right to operate
22 under the commercial registration certificate. The existing



1 commercial registration certificate shall be reissued in a
2 timely manner in the name of the transferee corporation or other
3 business entity. No commercial registration issued to an owner
4 of a commercial catamaran operating in the Waikiki area shall be
5 denied or revoked without a prior hearing held in accordance
6 with chapter 91.

7 (c) Notwithstanding any limitations on commercial permits
8 for Maui county small boat facilities, vessels engaging in
9 inter-island ferry service within Maui county shall be afforded
10 preferential consideration for ferry landings, including the
11 issuance of a commercial operating permit and the waiver of any
12 applicable fees, at Maui county small boat facilities; provided
13 that:

14 (1) The vessel operator has been issued a certificate of
15 public convenience and necessity for the purpose of
16 engaging in inter-island ferry service that includes a
17 route within Maui county;

18 (2) The design and performance characteristics of the
19 vessel will permit safe navigation within the harbor
20 entrance channel and safe docking within Maui county
21 small boat facilities;



1 (3) The vessel operations will not result in unreasonable
2 interference with the use of Maui county small boat
3 facilities by other vessels; and

4 (4) All preferential consideration and waivers, including
5 any commercial permits issued under this section,
6 shall cease upon the vessel operator's termination of
7 inter-island ferry service within Maui county.

8 (d) The chairperson may adopt rules pursuant to chapter 91
9 to further implement this section.

10 (e) For purposes of this section:

11 "Commercial vessel activities" means the use of vessels for
12 activities or services provided on a fee basis.

13 "Recreational boating activities" means the use of
14 watercraft for sports, hobbies, or pleasure.

15 "Regularly navigated" means the movement of a vessel under
16 its own power from its assigned mooring within a small boat
17 harbor to beyond the confines of the small boat harbor and
18 entrance channel at least once in a ninety-day period. Vessels
19 moored in an offshore mooring area shall exit the confines of
20 the designated mooring area under their own power at least once
21 in a ninety-day period."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 3. This Act shall take effect on July 1, 2011.

APPROVED this 1 day of JUN , 2011



GOVERNOR OF THE STATE OF HAWAII

