

Honolulu, Hawaii
April 29, 2011

RE: H.B. No. 1566
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1566, H.D. 1, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to address the needs of the State's small boat harbors by, among other things:

- (1) Requiring that any fees collected within small boat harbors be expended only for costs related to the operation, upkeep, maintenance, and improvement of the small boat harbors;
- (2) Allowing the limited issuance of commercial use permits for vessels with assigned moorings in Ala Wai and Keehi boat harbors;

- (3) Specifying that future mooring fees will be established by appraisal by a state-licensed appraiser approved by the Department of Land and Natural Resources (DLNR) and assigned a schedule B rate, while existing mooring holders remain in a schedule A class whose rates will increase each year until they equal schedule B rates over a three-year period; and
- (4) Directing DLNR to lease certain fast lands at the Ala Wai Boat Harbor using the request for proposals process for the public-private development, management, and operation of areas of Ala Wai Boat Harbor.

Your Committee on Conference has amended this bill by:

- (1) Permitting DLNR to lease submerged lands within an existing state boating facility;
- (2) Specifying those fast lands and submerged lands of the Ala Wai Boat Harbor that may be leased;
- (3) Permitting DLNR to lease fast lands and submerged lands through the request for proposals process, subject to certain conditions;
- (4) Subjecting the lease of fast lands and submerged lands to the requirements of ocean and submerged lands leasing under Chapter 190D, Hawaii Revised Statutes (HRS);
- (5) Granting DLNR rulemaking authority to implement the disposition of state boating facility properties under section 200-2.5, HRS;
- (6) Amending the requirements for vessels issued commercial use permits at Ala Wai Boat Harbor;
- (7) Amending the permissible uses of fast lands and submerged lands leased by DLNR;
- (8) Specifying that the lease of fast lands and submerged lands of Ala Wai Boat Harbor are subject to the requirements of the disposition of state boating facility properties under section 200-2.6(a), HRS;




- (9) Specifying that prior authorization of the Legislature by concurrent resolution is not required for the lease of submerged lands and lands beneath tidal waters at Ala Wai Boat Harbor;
- (10) Changing its effective date to July 1, 2011; and
- (11) Making technical, nonsubstantive amendments for clarity, consistency, and style.

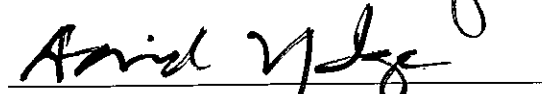
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1566, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1566, H.D. 1, S.D. 1, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


DONOVAN M. DELA CRUZ, Chair


DAVID Y. IGE, Co-Chair


RONALD D. KOUCHI, Co-Chair


JERRY L. CHANG, Co-Chair


SHARON E. HAR, Co-Chair



