
A BILL FOR AN ACT

RELATING TO HARBORS.

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

PART I

1
2 SECTION 1. The legislature finds that small boat harbors
3 are a valuable state asset that are being underutilized and that
4 there is a need for a demonstration project to provide a model
5 for developing a full service marina. The legislature believes
6 that a private-public framework for the management and operation
7 of marinas and small boat harbors in the State would improve the
8 efficiency and effectiveness of service to the harbor users,
9 tenants, and the surrounding community. Such private-public
10 management would permit the development of the harbor and
11 adjacent real property to provide maximum support for marina and
12 small boat harbor users; it would encourage economic growth
13 related to the marina services and recreation industry, leading
14 to job creation, and maximize the opportunity for ocean
15 recreation, commercial boating, and fishing.

16 The purpose of this Act is to establish a working group to
17 pursue the establishment of a demonstration project for the
18 private-public management and operation of the Honokohau marina



1 and small boat harbor with the support and oversight of the
2 division of boating and ocean recreation of the department of
3 land and natural resources.

4 SECTION 2. (a) There is established a working group on
5 the private-public management and operation of small boat
6 harbors, to be placed within the department of land and natural
7 resources for administrative purposes. The department shall
8 provide all administrative, technical, professional, and
9 clerical support required by the working group.

10 (b) The working group on the private-public management and
11 operation of small boat harbors shall pursue the establishment
12 of a demonstration project for the private-public management and
13 operation of the Honokohau marina and small boat harbor, using
14 the framework presented in part II of this Act as a starting
15 point.

16 (c) The working group on the private-public management and
17 operation of small boat harbors shall be comprised of the
18 following members:

19 (1) The administrator of the division of boating and ocean
20 recreation of the department of land and natural
21 resources or designee;



- 1 (2) The director of business, economic development, and
- 2 tourism or designee;
- 3 (3) The mayor of the county of Hawaii or designee;
- 4 (4) A representative of the governor; and
- 5 (5) Three members appointed by the governor from among the
- 6 membership of the Hawaii Fishing and Boating
- 7 Association; provided that these members shall
- 8 represent different categories of marine users, such
- 9 as charter boat operators, commercial fishermen, tour
- 10 boat operators, and recreational boaters.

11 (d) Members of the working group on the private-public
12 management and operation of small boat harbors shall receive no
13 compensation for their services, but may be reimbursed for
14 expenses, including travel costs, necessary for the performance
15 of their duties under this Act. A majority of all members to
16 which the board is entitled shall constitute a quorum to do
17 business.

18 (e) The working group on the private-public management
19 and operation of small boat harbors shall report its findings
20 and recommendations, including any suggested legislation, to the
21 legislature no later than twenty days prior to the convening of
22 the regular session of 2012.



1 (f) The working group on the private-public management and
2 operation of small boat harbors shall cease to exist on June 30,
3 2012.

4 PART II

5 SECTION 3. The purpose of this part is to provide the
6 framework for a demonstration project for the private-public
7 management and operation of the Honokohau marina and small boat
8 harbor by a nonprofit entity, with the support and oversight of
9 the division of boating and ocean recreation of the department
10 of land and natural resources.

11 The success of a marina is predicated upon the use of
12 adjacent real property for complementary marina-related
13 services. The demonstration project will provide a framework
14 for localized harbor governance that will include designation of
15 the harbor area as a community development district.

16 The area subject to the demonstration project shall be
17 known as the Honokohau marina and shall be a development
18 district composed of the approximately 58.81 acres of the
19 existing Honokohau marina and small boat harbor on the island of
20 Hawaii and the approximately 17.70 acres of adjacent fast lands
21 located between the current Honokohau marina and small boat
22 harbor and Queen Kaahumanu highway.



1 The Honokohau marina shall be managed and operated by a
2 non-profit entity that shall be governed by a nine member board
3 that represents different categories of marine users, such as
4 charter boat operators, commercial fishermen, tour boat
5 operators, and recreational boaters, who shall be appointed by
6 the governor. The demonstration project will allow, among other
7 things, the non-profit entity to create a sustainable business
8 plan that has community support and to develop guidelines for
9 the adoption of new marina management rules by the department of
10 land and natural resources, in accordance with chapter 91, to
11 address issues such as operations, enforcement, fee schedules,
12 and performance standards.

13 SECTION 4. (a) The purpose of this section is to
14 establish a framework for a demonstration project for the
15 private-public management and operation of the Honokohau marina
16 and small boat harbor.

17 (b) Definitions. As used in this section, unless the
18 context otherwise requires:

19 "Board" means the executive board of the Honokohau marina.

20 "Department" means the department of land and natural
21 resources.

22 "Marina" means the Honokohau marina.



1 (c) Honokohau marina; establishment. There is established
2 a five year demonstration project for a private-public
3 partnership to manage and operate the Honokohau marina, which
4 shall be placed within the department of land and natural
5 resources for administrative purposes. The Honokohau marina
6 shall consist of the area known as the Honokohau small boat
7 harbor and approximately 17.70 acres of adjacent fast lands
8 located between the boat harbor and Queen Kaahumanu highway.

9 (d) Executive board or board. The responsibility for
10 general administration and the operation of the marina shall be
11 vested in the executive board of the Honokohau marina. The
12 board shall have power in accordance with law to formulate
13 policy and to exercise control over the marina.

14 The board shall consist of nine members appointed by the
15 governor from among the membership of the Hawaii Fishing and
16 Boating Association; provided that the members shall represent
17 the different categories of marine users, including charter boat
18 operators, commercial fishermen, tour boat operator, and
19 recreational boaters.

20 The board members shall serve without compensation but may
21 be reimbursed for travel and other necessary expenses incurred
22 in the performance of their official duties.



1 The term of each board member shall be for the duration
2 of the demonstration project. A vacancy on the board shall be
3 filled for the remainder of the unexpired term by the governor.

4 (e) Board organization; quorum. The board shall elect,
5 from its own membership, a chairperson and a vice-chairperson.
6 A majority of all members to which the board is entitled shall
7 constitute a quorum to do business.

8 (f) Duties; scope of work. The board shall establish a
9 comprehensive program that shall include the following:

- 10 (1) Managing and operating the marina for the general
11 public for commercial, recreational, educational, and
12 historical purposes;
- 13 (2) Cooperating with, and providing assistance to, the
14 department and other public and private agencies
15 involved in developing and implementing programs
16 related to the department;
- 17 (3) Selecting and employing a harbor master who shall be
18 an employee of the department of land and natural
19 resources to serve on a full-time basis and who is
20 qualified by training and experience. The harbor
21 master shall:



1 (A) Administer policies and programs approved by the
2 board and exercise supervision over the marina's
3 activities; and

4 (B) Employ, subject to chapter 76, personnel as the
5 harbor master finds necessary to operate and
6 maintain the marina and define their powers and
7 duties;

8 (4) Adopting guidelines to carry out the purposes of this
9 part, regarding operations, enforcement, fee
10 schedules, and performance standards.

11 (g) Meetings of the board. The meetings of the board
12 shall be open to the public as provided in section 92-3, Hawaii
13 Revised Statutes; provided that when it is necessary for the
14 board to receive information that is proprietary to a particular
15 enterprise that seeks entry into or use of one of its facilities
16 or the disclosure of which might be harmful to the business
17 interest of the enterprise, the board may enter into an
18 executive meeting that is closed to the public.

19 The board shall be subject to the procedural requirements
20 of section 92-4, Hawaii Revised Statutes, and this shall be in
21 addition to the exceptions listed in section 92-5, Hawaii



1 Revised Statutes, to enable the board to respect the proprietary
2 requirements of enterprises with which it has business dealings.

3 (b) The division of boating and ocean recreation of
4 department of land and natural resources shall cooperate with
5 and assist the board and provide support and oversight to the
6 marina. The department shall:

- 7 (1) Transfer management of the area known as the Honokohau
8 small boat harbor and approximately 17.70 acres of
9 adjacent fast lands located between the boat harbor
10 and Queen Ka'ahumanu highway to the board;
- 11 (2) Provide the marina with facilities, security,
12 janitorial services, utilities, fiscal, and necessary
13 legal services;
- 14 (3) Adopt rules based on the guidelines developed by the
15 board;
- 16 (4) Assist the board in the administration of marina
17 harbor operations pursuant to the new rules;
- 18 (5) Determine non-compliance with any statutes or rules,
19 or with the operations and management plan, and report
20 to the board and department;
- 21 (6) Assist in the collection and disbursement of funds and
22 receive revenues and fees that shall be deposited into



1 a new special fund established for the purpose of
2 managing, operating, and developing the development
3 district; and

4 (7) Contract for the development, repair, and maintenance
5 of the harbor as determined by the board, as long as
6 the revenues sustain the operations and development of
7 the development district.

8 (i) Annual report. Beginning with the regular session
9 of _____, the board shall submit a report on its activities
10 to the legislature no later than twenty days prior to the
11 convening of each regular session. The annual report shall
12 include a financial overview, a description of the contracts
13 entered into, and the progress and accomplishments of the
14 appropriate year.

15 (j) Special fund. There is established in the state
16 treasury a fund to be known as the Honokohau marina special
17 fund, into which shall be deposited all moneys and fees from
18 tenants or other users of the marina's parks, projects, other
19 leased facilities, and other services and publications as well
20 as any grants or gifts received by the marina. All moneys in
21 the fund shall be appropriated and expended for the operation,
22 maintenance, and management of the marina, including the harbor,



1 adjacent fast lands, projects, facilities, services, and
2 publications, and for the design and construction of new
3 facilities and the renovation of or addition to existing
4 facilities of the marina.

5 The board shall be the designated expending agency for the
6 fund.

7 PART III

8 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

DLNR; Honokohau Marina; Working Group; Small Boat Harbor
Demonstration Project

Description:

Establishes a working group to pursue the creation of a demonstration project for a private-public framework for the governance of the Honokohau marina and small boat harbor with the oversight and assistance of the division of boating and ocean recreation of DLNR.

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

