
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 200-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§200-3 Ocean recreation and coastal areas programs. The
4 board shall assume the following functions of the department of
5 transportation:

6 (1) Managing and administering the ocean-based recreation
7 and coastal areas programs of the State;

8 (2) Planning, developing, operating, administering, and
9 maintaining small boat harbors, launching ramps, and
10 other boating facilities and associated aids to
11 navigation throughout the State; provided that the
12 board may consult with and receive assistance from the
13 Hawaii community development authority with regards to
14 planning, developing, operating, administering, and
15 maintaining small boat harbors;

16 (3) Developing and administering an ocean recreation
17 management plan;



- 1 (4) Administering and operating a vessel registration
- 2 system for the State;
- 3 (5) Regulating the commercial use of state waters and
- 4 marine resources, including operations originating
- 5 from private marinas;
- 6 (6) Regulating boat regattas and other ocean water events;
- 7 (7) Administering a marine casualty and investigation
- 8 program;
- 9 (8) Assisting in abating air, water, and noise pollution;
- 10 (9) Conducting public education in boating safety;
- 11 (10) Administering the boating special fund;
- 12 (11) Assisting in controlling shoreline erosion;
- 13 (12) Repairing seawalls and other existing coastal
- 14 protective structures under the jurisdiction of the
- 15 State; and
- 16 (13) Removing nonnatural obstructions and public safety
- 17 hazards from the shoreline, navigable streams,
- 18 harbors, channels, and coastal areas of the State."

19 SECTION 2. Section 206E-4, Hawaii Revised Statutes, is
 20 amended to read as follows:

21 "§206E-4 Powers; generally. Except as otherwise limited
 22 by this chapter, the authority may:



- 1 (1) Sue and be sued;
- 2 (2) Have a seal and alter the same at pleasure;
- 3 (3) Make and execute contracts and all other instruments
4 necessary or convenient for the exercise of its powers
5 and functions under this chapter;
- 6 (4) Make and alter bylaws for its organization and
7 internal management;
- 8 (5) Make rules with respect to its projects, operations,
9 properties, and facilities, which rules shall be in
10 conformance with chapter 91;
- 11 (6) Through its executive director appoint officers,
12 agents, and employees, prescribe their duties and
13 qualifications, and fix their salaries, without regard
14 to chapter 76;
- 15 (7) Prepare or cause to be prepared a community
16 development plan for all designated community
17 development districts;
- 18 (8) Acquire, reacquire, or contract to acquire or
19 reacquire by grant or purchase real, personal, or
20 mixed property or any interest therein; to own, hold,
21 clear, improve, and rehabilitate, and to sell, assign,



- 1 exchange, transfer, convey, lease, or otherwise
2 dispose of or encumber the same;
- 3 (9) Acquire or reacquire by condemnation real, personal,
4 or mixed property or any interest therein for public
5 facilities, including but not limited to streets,
6 sidewalks, parks, schools, and other public
7 improvements;
- 8 (10) By itself, or in partnership with qualified persons,
9 acquire, reacquire, construct, reconstruct,
10 rehabilitate, improve, alter, or repair or provide for
11 the construction, reconstruction, improvement,
12 alteration, or repair of any project; own, hold, sell,
13 assign, transfer, convey, exchange, lease, or
14 otherwise dispose of or encumber any project, and in
15 the case of the sale of any project, accept a purchase
16 money mortgage in connection therewith; and repurchase
17 or otherwise acquire any project [~~which~~] that the
18 authority has theretofore sold or otherwise conveyed,
19 transferred, or disposed of;
- 20 (11) Arrange or contract for the planning, replanning,
21 opening, grading, or closing of streets, roads,
22 roadways, alleys, or other places, or for the



- 1 furnishing of facilities or for the acquisition of
2 property or property rights or for the furnishing of
3 property or services in connection with a project;
- 4 (12) Grant options to purchase any project or to renew any
5 lease entered into by it in connection with any of its
6 projects, on such terms and conditions as it deems
7 advisable;
- 8 (13) Prepare or cause to be prepared plans, specifications,
9 designs, and estimates of costs for the construction,
10 reconstruction, rehabilitation, improvement,
11 alteration, or repair of any project, and from time to
12 time to modify [~~such~~] the plans, specifications,
13 designs, or estimates;
- 14 (14) Provide advisory, consultative, training, and
15 educational services, technical assistance, and advice
16 to any person, partnership, or corporation, either
17 public or private, to carry out the purposes of this
18 chapter, and engage the services of consultants on a
19 contractual basis for rendering professional and
20 technical assistance and advice;



- 1 (15) Procure insurance against any loss in connection with
- 2 its property and other assets and operations in such
- 3 amounts and from such insurers as it deems desirable;
- 4 (16) Contract for and accept gifts or grants in any form
- 5 from any public agency or from any other source;
- 6 (17) Do any and all things necessary to carry out its
- 7 purposes and exercise the powers given and granted in
- 8 this chapter;
- 9 (18) Allow satisfaction of any affordable housing
- 10 requirements imposed by the authority upon any
- 11 proposed development project through the construction
- 12 of reserved housing, as defined in section 206E-101,
- 13 by a person on land located outside the geographic
- 14 boundaries of the authority's jurisdiction; provided
- 15 that the authority shall not permit any person to make
- 16 cash payments in lieu of providing reserved housing,
- 17 except to account for any fractional unit that results
- 18 after calculating the percentage requirement against
- 19 residential floor space or total number of units
- 20 developed. The substituted housing shall be located
- 21 on the same island as the development project and
- 22 shall be substantially equal in value to the required



1 reserved housing units that were to be developed on
2 site. The authority shall establish the following
3 priority in the development of reserved housing:

- 4 (A) Within the community development district;
- 5 (B) Within areas immediately surrounding the
6 community development district;
- 7 (C) Areas within the central urban core;
- 8 (D) In outlying areas within the same island as the
9 development project.

10 The Hawaii community development authority shall
11 adopt rules relating to the approval of reserved
12 housing that are developed outside of a community
13 development district. The rules shall include, but
14 are not limited to, the establishment of guidelines to
15 ensure compliance with the above priorities; ~~and~~

- 16 (19) Assist the public land development corporation
17 established by section 171C-3 in identifying public
18 lands that may be suitable for development, carrying
19 on marketing analysis to determine the best revenue-
20 generating programs for the public lands identified,
21 entering into public-private agreements to
22 appropriately develop the public lands identified, and



1 providing the leadership for the development,
 2 financing, improvement, or enhancement of the selected
 3 development opportunities; provided that no assistance
 4 shall be provided unless the authority authorizes the
 5 assistance[-]; and

6 (20) Consult and assist the board of land and natural
 7 resources with regards to planning, developing,
 8 operating, administering, and maintaining small boat
 9 harbors, as provided in section 200-3; provided that
 10 nothing in this section shall be construed as granting
 11 any authority or jurisdiction over small boat harbors
 12 to the authority."

13 SECTION 3. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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H.B. NO. 191

Report Title:

Small Boat Harbors; BLNR; HCDA

Description:

Authorizes the BLNR to consult with and receive assistance from the HCDA with regards to planning, developing, operating, administering, and maintaining small boat harbors.

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