

JAN 25 2017

A BILL FOR AN ACT

RELATING TO HONOKOHAU SMALL BOAT HARBOR.

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

1 PART I

2 SECTION 1. Chapter 200, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§200- Honokohau small boat harbor; transfer of duties.

6 (a) The board may transfer its duties under sections 200-2 and
7 200-3 to operate, administer, manage, and maintain Honokohau
8 small boat harbor to a county in which the harbor is located.

9 (b) A county that assumes duties pursuant to this section
10 shall comply with this chapter and all other applicable laws.

11 (c) The board shall adopt rules, pursuant to chapter 91,
12 necessary for the purposes of this section."

13 PART II

14 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
15 by adding a new section to part I to be appropriately designated
16 and to read as follows:



1 "§46- Small boat harbors; operation; administration;
2 management; maintenance. (a) In addition to other powers
3 provided under this chapter, and notwithstanding any other law
4 to the contrary, a county may operate, administer, maintain, and
5 manage a small boat harbor, as provided in subsection (b), and
6 may assume duties with respect to the small boat harbor under
7 sections 200-2 and 200-3 that are transferred to the county from
8 the board of land and natural resources as provided by statute.

9 (b) A county may operate, administer, maintain, and manage
10 a small boat harbor for the purposes of:

- 11 (1) Recreational boating activities;
- 12 (2) Landing of fish; and
- 13 (3) Commercial vessel activities.

14 To implement these purposes, only vessels in good material and
15 operating condition that are regularly navigated beyond the
16 confines of the small boat harbor and that are used for
17 recreational activities, the landing of fish, or commercial
18 vessel activities shall be permitted to moor, anchor, or berth
19 at a county small boat harbor or use any of its facilities.

20 (c) Nothing in this section shall be construed as
21 authorizing the board of land and natural resources to transfer



1 duties under sections 200-2 and 200-3 to a county absent
2 specific legislative authorization and county approval.

3 (d) For purposes of this section:

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

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

8 "Regularly navigated" means the movement of a vessel under
9 its own power from its assigned mooring within a small boat
10 harbor to beyond the confines of the small boat harbor and
11 entrance channel at least once in a ninety-day period. Vessels
12 moored in an offshore mooring area shall exit the confines of
13 the designated mooring area under their own power at least once
14 in a ninety-day period."

15 PART III

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2017-2018 and
19 the same sum or so much thereof as may be necessary for fiscal
20 year 2018-2019 for the repair and maintenance expenses of
21 Honokohau small boat harbor.



1 The sums appropriated shall be expended by the department
2 of land and natural resources for the purposes of this Act.

3 PART IV

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval;
6 provided that section 3 shall take effect on July 1, 2017.

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INTRODUCED BY: *Francine R. Anouye*

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S .B. NO. 1098

Report Title:

Honokohau Small Boat Harbor; Small Boat Harbors; Board of Land and Natural Resources; Counties; Appropriation

Description:

Authorizes the Board of Land and Natural Resources to transfer the operation, administration, management, and maintenance of Honokohau small boat harbor to a county in which the harbor is located. Authorizes a county to operate and maintain a small boat harbor. Appropriates funds for repairs and maintenance of Honokohau small boat harbor.

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