

JAN 21 2022

A BILL FOR AN ACT

RELATING TO RECREATIONAL BOATING.

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

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

4 "§200- Recreational use zones; non-traditional ocean
5 recreation equipment; commercial harbors. (a) The department
6 shall adopt rules pursuant to chapter 91 to designate
7 recreational use zones where, and time periods during which,
8 non-traditional ocean recreation equipment may be used in
9 nearshore waters.

10 (b) No person shall use non-traditional ocean recreation
11 equipment in the nearshore waters of the State, except:

12 (1) In recreational use zones and during time periods
13 designated by the department;

14 (2) Authorized government personnel conducting operations
15 approved by the department;

16 (3) Authorized permit holders conducting operations
17 approved by the department; or



1 (4) When used to conduct ocean cleanup, as authorized by
2 rules adopted by the department.

3 (c) The department shall establish non-traditional ocean
4 recreation equipment use fees which shall be deposited into the
5 boating special fund.

6 (d) The department shall enter into a memorandum of
7 agreement with the department of transportation to enforce
8 regulation of recreational use zones in commercial harbors or
9 portions of commercial harbors.

10 (e) For purposes of this section, "non-traditional ocean
11 recreation equipment" means ocean recreation equipment and
12 vessels that are not traditional to Hawaii, including but not
13 limited to sailboards, paraglides, kayaks, jet skis, foils, and
14 any motorized equipment or vessels. "Non-traditional ocean
15 recreation equipment" excludes surfboards and outrigger canoes."

16 SECTION 2. Section 199-3, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) The conservation and resources enforcement officers,
19 with respect to all state lands, including public lands, state
20 parks, forest reserves, forests, aquatic life and wildlife



1 areas, Kahoolawe island reserve, and any other lands and waters
2 within the State, shall:

- 3 (1) Enforce title 12, chapters 6D, 6E, and 6K, and rules
4 adopted thereunder;
- 5 (2) Investigate complaints, gather evidence, conduct
6 investigations, and conduct field observations and
7 inspections as required or assigned;
- 8 (3) Cooperate with enforcement authorities of the State,
9 counties, and federal government in development of
10 programs and mutual aid agreements for conservation
11 and resources enforcement activities within the State;
- 12 (4) Cooperate with established search and rescue agencies
13 of the counties and the federal government in
14 developing plans and programs and mutual aid
15 agreements for search and rescue activities within the
16 State;
- 17 (5) Check and verify all leases, permits, and licenses
18 issued by the department of land and natural
19 resources;
- 20 (6) Enforce the laws relating to firearms, ammunition, and
21 dangerous weapons contained in chapter 134;



1 (7) Enforce the laws in chapter 291E relating to operating
2 a vessel on or in the waters of the State while using
3 intoxicants;

4 (8) Enforce the laws in chapter 200 relating to
5 recreational use zones in nearshore waters;

6 ~~(8)~~ (9) Whether through a specifically designated marine
7 patrol or otherwise, enforce the rules in the areas of
8 boating safety, conservation, and search and rescue
9 relative to the control and management of boating
10 facilities owned or controlled by the State, ocean
11 waters, and navigable streams and any activities
12 thereon or therein, and beaches encumbered with
13 easements in favor of the public, and the rules
14 regulating vessels and their use in the waters of the
15 State; and

16 ~~(9)~~ (10) Carry out other duties and responsibilities as
17 the board of land and natural resources from time to
18 time may direct."

19 SECTION 3. Section 200-3, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§200-3 Ocean recreation and coastal areas programs. The
2 board shall assume the following functions of the department of
3 transportation:

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

6 (2) Planning, developing, operating, administering, and
7 maintaining small boat harbors, launching ramps, and
8 other boating facilities and associated aids to
9 navigation throughout the State;

10 (3) Developing and administering an ocean recreation
11 management plan;

12 (4) Administering and operating a vessel registration
13 system for the State;

14 (5) Regulating the commercial use of state waters and
15 marine resources, including operations originating
16 from private marinas;

17 (6) Regulating boat regattas and other ocean water events;

18 (7) Administering a marine casualty and investigation
19 program;

20 (8) Assisting in abating air, water, and noise pollution;

21 (9) Conducting public education in boating safety;



- 1 (10) Administering the boating special fund;
- 2 (11) Assisting in controlling shoreline erosion;
- 3 (12) Repairing seawalls and other existing coastal
- 4 protective structures under the jurisdiction of the
- 5 State; [~~and~~]
- 6 (13) Regulating recreational use zones in nearshore waters;
- 7 and
- 8 [~~(13)~~] (14) Removing nonnatural obstructions and public
- 9 safety hazards from the shoreline, navigable streams,
- 10 harbors, channels, and coastal areas of the State."

11 SECTION 4. Section 200-8, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§200-8 Boating program; payment of costs.** The cost of
14 administering a comprehensive statewide boating program,
15 including but not limited to the cost of:

- 16 (1) Operating, maintaining, and managing all boating
- 17 facilities under the control of the department;
- 18 (2) Improving boating safety;
- 19 (3) Operating a vessel registration and boating casualty
- 20 investigation and reporting system;
- 21 (4) Other boating program activities; [~~and~~]



1 (5) Regulating recreational use zones in nearshore waters;
2 and
3 [~~5~~] (6) Planning, developing, managing, operating, or
4 maintaining of all lands and improvements under the
5 control and management of the board, including but not
6 limited to permanent or temporary staff positions who
7 may be appointed without regard to chapter 76, shall
8 be paid from the boating special fund; provided that
9 any fees collected within small boat harbors shall be
10 expended only for costs related to the operation,
11 upkeep, maintenance, and improvement of the small boat
12 harbors. The amortization (principal and interest) of
13 the costs of capital improvements for boating
14 facilities appropriated after July 1, 1975, including
15 but not limited to berths, slips, ramps, related
16 accommodations, general navigation channels,
17 breakwaters, aids to navigation, and other harbor
18 structures, may be paid from the boating special fund
19 or from general revenues as the legislature may
20 authorize in each situation. Revenues provided in
21 this chapter for the boating special fund shall be at



1 least sufficient to pay the special fund costs
2 established in this section."

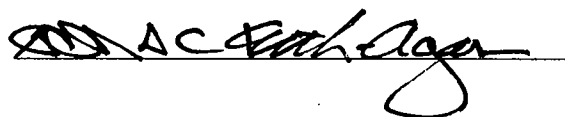
3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2022-2023 for a
6 one-year pilot project at Kawaihae and Kahului harbors to
7 provide navigational devices, buoys, and other equipment to mark
8 recreational use zones for non-traditional ocean recreation
9 equipment in nearshore waters.

10 The sum appropriated shall be expended by the department of
11 transportation for the purposes of this Act.

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2022.

15

INTRODUCED BY: 



S.B. NO. 2356

Report Title:

Recreational Use Zones; Regulations; Department of Land and Natural Resources; Department of Transportation; Appropriation

Description:

Requires the Department of Land and Natural Resources to designate recreational use zones and establish fees for non-traditional ocean recreation equipment. Directs fees to be deposited into the boating special fund and authorizes the fund to be used for regulatory costs of recreational use zones. Requires the Department of Land and Natural Resources to enter into a memorandum of agreement with the Department of Transportation to regulate recreational use zones in commercial harbors. Appropriates funds for a one-year pilot project at Kawaihae and Kahului harbors to provide equipment to mark recreational use zones.

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

