

JAN 25 2023

A BILL FOR AN ACT

RELATING TO GOVERNMENT PROPERTY.

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

1 SECTION 1. The legislature finds that the small boat
2 harbors on Maui are cherished and important parts of the
3 island's communities and are critical for fishing, recreation,
4 commerce, and transportation. However, the legislature
5 recognizes that Maui's small boat harbors have descended into
6 complete disarray and are under-functioning in many different
7 aspects. The legislature also finds that numerous repairs and
8 maintenance projects at these small boat harbors remain
9 uncompleted and services are performed on an ad hoc basis.
10 Further, because the revenue derived from these facilities is
11 spread out over the entire State, it has also resulted in the
12 lack of basic functions at these small boat harbors, including
13 maintenance, needed repairs, and sanitation services. The
14 legislature further finds that because the governance of these
15 facilities is primarily done through offices on Oahu, users of
16 these facilities must often send communications through several
17 layers of personnel.



1 The legislature notes that, in addition to possessing the
2 capability to allocate funding from permit fees back to the
3 small boat harbor facilities, the county of Maui also has access
4 to additional revenue that could be allocated to the small boat
5 harbors. The legislature also recognizes that many
6 transportation expansion options that are being considered by
7 the county of Maui would rely on these small boat harbors. If
8 these harbors were to be transferred to the county of Maui, the
9 small boat harbors would allow the county to synchronize its
10 transportation systems on all three islands within the county.

11 The legislature believes that support from users of these
12 small boat harbors and the potential for integration of the
13 small boat harbor facilities into the county's transportation
14 systems necessitate the transfer of these small boat harbors to
15 the county of Maui and further believes that these transfers
16 will help to create a system of governance, responsiveness, and
17 additional support for the affected wharfs, launching ramps, and
18 small boat harbors.

19 Accordingly, the purpose of this Act is to transfer certain
20 wharfs, launching ramps, and small boat harbors from the
21 department of land and natural resources to the county of Maui.



1 SECTION 2. 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- Wharfs, launching ramps, and small boat harbors;
5 transfer of duties. (a) The board shall transfer its duties
6 under sections 200-2 and 200-3 that pertain to the operation,
7 administration, and maintenance of the following state wharfs,
8 launching ramps, and small boat harbors to the department having
9 jurisdiction over transportation services of the county in which
10 each wharf, launching ramp, or small boat harbor is located:

- 11 (1) Lahaina small boat harbor;
- 12 (2) Manele small boat harbor;
- 13 (3) Mala wharf and ramp;
- 14 (4) Maalaea small boat harbor; and
- 15 (5) Kihei ramp.

16 (b) Each county that assumes duties pursuant to this
17 section:

- 18 (1) Shall comply with this chapter and all other
19 applicable laws; and
- 20 (2) May adopt rules or ordinances, or both, regarding the
21 issuance of permits for the use of the wharfs,



1 launching ramps, or small boat harbors transferred
2 under this section, including the imposition of fees
3 and penalties.

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

6 SECTION 3. All employees who occupy civil service
7 positions and whose functions are transferred to the county of
8 Maui by this Act shall retain their civil service status,
9 whether permanent or temporary. Employees shall be transferred
10 without loss of salary, seniority (except as prescribed by
11 applicable collective bargaining agreements), retention points,
12 prior service credit, any vacation and sick leave credits
13 previously earned, and other rights, benefits, and privileges,
14 in accordance with state personnel laws and this Act; provided
15 that the employees possess the minimum qualifications and public
16 employment requirements for the class or position to which
17 transferred or appointed, as applicable; provided further that
18 subsequent changes in status may be made pursuant to applicable
19 civil service and compensation laws.

20 Any employee who, prior to this Act, is exempt from civil
21 service and is transferred as a consequence of this Act may



1 retain the employee's exempt status, but shall not be appointed
2 to a civil service position as a consequence of this Act. An
3 exempt employee who is transferred by this Act shall not suffer
4 any loss of prior service credit, vacation or sick leave credits
5 previously earned, or other employee benefits or privileges as a
6 consequence of this Act; provided that the employees possess
7 legal and public employment requirements for the position to
8 which transferred or appointed, as applicable; provided further
9 that subsequent changes in status may be made pursuant to
10 applicable employment and compensation laws. The director of
11 transportation of the county of Maui may prescribe the duties
12 and qualifications of these employees and fix their salaries
13 without regard to chapter 76, Hawaii Revised Statutes.

14 SECTION 4. All appropriations, records, equipment,
15 machines, files, supplies, contracts, books, papers, documents,
16 maps, and other personal property heretofore made, used,
17 acquired, or held by the department of land and natural
18 resources relating to the functions transferred to the
19 department of transportation of the county of Maui shall be
20 transferred with the functions to which they relate.



1 SECTION 5. There is appropriated out of the boating
 2 special fund the sum of \$ or so much thereof as may be
 3 necessary for fiscal year 2023-2024 for the purposes of this Act
 4 and fulfilling the State's obligation to comply with
 5 Article VIII, section 4 of the state constitution.

6 The sum appropriated shall be expended by the county of
 7 Maui for the purposes of this Act.

8 SECTION 6. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval.

10

INTRODUCED BY: 



S.B. NO. 1477

Report Title:

Board of Land and Natural Resources; DLNR; Counties; Wharfs; Launching Ramps; Small Boat Harbors; Transfer; Appropriation

Description:

Transfers from the Department of Natural Resources certain wharfs, launching ramps, and small boat harbors on Maui to the County of Maui with the corresponding revenue from those harbors.

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

