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# A BILL FOR AN ACT

RELATING TO OCEAN RECREATION AND COASTAL AREAS PROGRAMS.

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

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PART I

SECTION 1. The legislature finds that small boat harbors, originally under the jurisdiction of the department of transportation, were transferred to the department of land and natural resources by Act 272, Session Laws of Hawaii 1991. This occurred in part because virtually all small boat harbor fees were for noncommercial boats and the small boat harbors did not generate sufficient revenues. However, with the passage of time, conditions at the small boat harbors have changed. The small boat harbor facilities have deteriorated and there is an increase in commercial businesses in the harbors that pay higher fees. The legislature finds that to ensure the best management and use of the small boat harbors, a change in jurisdiction is again necessary. Accordingly, the purpose of this Act is to reverse the jurisdictional transfer of the small boat harbors and related areas to the department of land and natural resources back to the department of transportation.



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PART II

SECTION 2. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§266- Definitions. As used in this chapter, unless the context otherwise requires:

"Beaches encumbered with easements in favor of the public" means any lands which lie along the shores of the State that are now, or may hereafter be, encumbered by easements granted in favor of the public for bathing, swimming, or other similar or related purposes and for foot passage.

"Commercial harbor" means a harbor or off-shore mooring facility which is primarily for the movement of commercial cargo, passenger and fishing vessels entering, leaving, or traveling within the state, and facilities and supporting services for loading, off-loading, and handling of cargo, passengers, and vessels.

"Ocean waters" means all waters seaward of the shoreline within the jurisdiction of the State.

"Shoreline" means the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation growth or by the upper limit of debris left by the wash of the waves."



1 SECTION 3. Section 26-15, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) The department shall manage and administer the public  
4 lands of the State and minerals thereon [~~and all water and~~  
5 ~~coastal areas of the State except the commercial harbor areas of~~  
6 ~~the State~~], including the soil conservation function, the  
7 forests and forest reserves, aquatic life, wildlife resources,  
8 and state parks, including historic sites[~~, and all activities~~  
9 ~~thereon and therein including, but not limited to, boating,~~  
10 ~~ocean recreation, and coastal areas programs~~]."

11 SECTION 4. Section 171-3, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§171-3 Department of land and natural resources.** The  
14 department of land and natural resources shall be headed by an  
15 executive board to be known as the board of land and natural  
16 resources. The department shall manage, administer, and  
17 exercise control over public lands, the water resources, [~~ocean~~  
18 ~~waters, navigable streams, coastal areas (excluding commercial~~  
19 ~~harbor areas),~~] and minerals and all other interests therein and  
20 exercise such powers of disposition thereof as may be authorized  
21 by law. The department shall also manage and administer the  
22 state parks, historical sites, forests, forest reserves, aquatic



1 life, aquatic life sanctuaries, public fishing areas, [~~boating,~~  
2 ~~ocean recreation, coastal programs,~~] wildlife, wildlife  
3 sanctuaries, game management areas, public hunting areas,  
4 natural area reserves, and other functions assigned by law."

5 SECTION 5. Section 200-1, Hawaii Revised Statutes, is  
6 amended as follows:

7 1. By adding a new definition to be appropriately  
8 inserted and to read:

9 "Director" means the director of transportation."

10 2. By amending the definition of "department" to read:

11 "Department" means the department of [~~land and natural~~  
12 ~~resources.] transportation."~~

13 3. By repealing the definitions of "board" and  
14 "chairperson".

15 [~~"Board" means the board of land and natural resources.~~

16 ~~"Chairperson" means the chairperson of the board of land~~  
17 ~~and natural resources." ]~~

18 SECTION 6. Section 200-2, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§200-2 [~~Board of land and natural resources,~~] Department**

21 **of transportation; powers and duties.** The [~~board~~] department

22 shall have the primary responsibility for administering the



1 ocean recreation and coastal areas programs and performing the  
2 functions heretofore performed by the department of  
3 [~~transportation~~] land and natural resources and the department  
4 of public safety in the areas of boating safety, conservation,  
5 search and rescue, and security of small boat harbor environs."

6 SECTION 7. Section 200-2.5, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) Notwithstanding any law to the contrary, the [~~board~~]  
9 department may lease fast lands within an existing state boating  
10 facility by a public auction or by direct negotiation pursuant  
11 to section 171-59, for private development, management, and  
12 operation[~~-~~]; provided that the director shall make the finding  
13 of public interest and otherwise administer the negotiation  
14 process. For the purpose of this section, the term "state  
15 boating facility" means a state small boat harbor, launching  
16 ramp, offshore mooring, pier, wharf, landing, or any other area  
17 under the jurisdiction of the department pursuant to this  
18 chapter."

19 SECTION 8. Section 200-3, Hawaii Revised Statutes, is  
20 amended to read as follows:



1 " ~~[f]~~§200-3~~[f]~~ **Ocean recreation and coastal areas programs.**

2 The ~~[board]~~ department shall assume the following functions of  
3 the department of ~~[transportation:]~~ land and natural resources:

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 boating facilities;

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

16 (7) Administering a marine casualty and investigation  
17 program;

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

19 (9) Conducting public education in boating safety;

20 (10) Administering the boating special fund;

21 (11) Assisting in controlling shoreline erosion;



1 (12) Repairing seawalls and other existing coastal  
2 protective structures under the jurisdiction of the  
3 State; and

4 (13) Removing nonnatural obstructions and public safety  
5 hazards from the shoreline, navigable streams,  
6 harbors, channels, and coastal areas of the State."

7 SECTION 9. Section 200-18, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) The department shall maintain a record of all persons  
10 adjudicated of violations under part III of chapter 291E and the  
11 period of suspension or revocation of operator privileges  
12 ordered by the [~~director~~] administrative director of the courts  
13 under that part."

14 SECTION 10. Section 205A-48, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§205A-48 Conflict of other laws.** In case of a conflict  
17 between the requirements of any other state law or county  
18 ordinance regarding shoreline setback lines, the more  
19 restrictive requirements shall apply in furthering the purposes  
20 of this part. Nothing contained in this part shall be construed  
21 to diminish the jurisdiction of the state department of  
22 transportation over wharves, airports, docks, piers, small boat



1 or other [~~commercial~~] harbors, and any other maritime or water  
2 sports recreational facilities constructed by the State;  
3 provided that [~~such~~] plans for such construction are submitted  
4 for the review and information of the officer of the respective  
5 agency charged with the administration of the county zoning  
6 laws, and found not to conflict with any county ordinances,  
7 zoning laws, and building codes."

8 SECTION 11. Section 248-8, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§248-8 Special funds in treasury of State.** There are  
11 created in the treasury of the State three special funds to be  
12 known, respectively, as the state highway fund, the airport  
13 revenue fund, and the boating special fund. All taxes collected  
14 under chapter 243 in each calendar year, except the "county of  
15 Hawaii fuel tax", "city and county of Honolulu fuel tax",  
16 "county of Maui fuel tax", and "county of Kauai fuel tax", shall  
17 be deposited in the state highway fund; provided that:

18 (1) All taxes collected under chapter 243 with respect to  
19 gasoline or other aviation fuel sold for use in or  
20 used for airplanes shall be set aside in the airport  
21 revenue fund; and



1           (2) All taxes collected under chapter 243 with respect to  
2           liquid fuel sold for use in or used for small boats  
3           shall be deposited in the boating special fund.

4           As used in this section, "small boats" means all vessels  
5 and other watercraft except those operated in overseas  
6 transportation beyond the State, and ocean-going tugs and  
7 dredges. The [~~chairperson of the board of land and natural~~  
8 ~~resources,~~] director of transportation, from July 1, [~~1992,~~]  
9 2008, and every three years thereafter, shall establish  
10 standards or formulas that will as equitably as possible  
11 establish the total taxes collected under chapter 243 in each  
12 fiscal year that are derived from the sale of liquid fuel for  
13 use in or used for small boats. The amount so determined shall  
14 be deposited in the boating special fund.

15           An amount equal to 0.3 per cent of the highway fuel tax but  
16 not more than \$250,000 collected under chapter 243 shall be  
17 allocated each fiscal year to the special land and development  
18 fund for purposes of the management, maintenance, and  
19 development of trails and trail accesses under the jurisdiction  
20 of the department of land and natural resources established  
21 under section 198D-2."



1 SECTION 12. Section 266-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§266-1 Department of transportation; harbors;**  
4 **jurisdiction.** All [~~commercial~~] harbors and roadsteads[~~7~~] and  
5 all [~~commercial~~] harbor and waterfront improvements belonging to  
6 or controlled by the State, [~~and~~] all vessels and shipping  
7 within the [~~commercial~~] harbors and roadsteads, waters, and  
8 streams shall be under the care and control of the department of  
9 transportation.

10 [~~For the purpose of this chapter, "commercial harbor" means~~  
11 ~~a harbor or off-shore mooring facility which is primarily for~~  
12 ~~the movement of commercial cargo, passenger and fishing vessels~~  
13 ~~entering, leaving, or travelling within the State, and~~  
14 ~~facilities and supporting services for loading, off loading, and~~  
15 ~~handling of cargo, passengers, and vessels.] "~~

16 SECTION 13. Section 266-2, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 **"§266-2 Powers and duties of department.** (a) The  
19 department of transportation shall:

20 (1) Have and exercise all the powers and shall perform all  
21 the duties which may lawfully be exercised by or under  
22 the State relative to the control and management of



1           ~~[commercial]~~ the shores, shore waters, navigable  
2           streams, harbors, [commercial] harbor and waterfront  
3           improvements, ports, docks, wharves, piers, quays,  
4           bulkheads, and landings belonging to or controlled by  
5           the State, and the shipping using the same;

6           (2) Have the authority to use and permit and regulate the  
7           use of the ~~[commercial]~~ docks, wharves, piers, quays,  
8           bulkheads, and landings belonging to or controlled by  
9           the State for receiving or discharging passengers and  
10          for loading and landing merchandise, with a right to  
11          collect wharfage and demurrage thereon or therefor;

12          (3) Subject to all applicable provisions of law, have the  
13          power to fix and regulate from time to time rates and  
14          charges for:

15           (A) Services rendered in mooring ~~[commercial]~~  
16           vessels;

17           (B) The use of ~~[commercial]~~ moorings belonging to or  
18           controlled by the State;

19           (C) Wharfage or demurrage;

20           (D) Warehouse space, office space, and storage space  
21           for freight, goods, wares, and merchandise; and



- 1 (E) The use of derricks or other equipment belonging  
2 to the State or under the control of the  
3 department;
- 4 (4) Make other charges, including toll or tonnage charges  
5 on freight passing over or across docks, wharves,  
6 piers, quays, bulkheads, or landings;
- 7 (5) Appoint and remove clerks, harbor agents and their  
8 assistants, and all such other employees as may be  
9 necessary, and to fix their compensation;
- 10 (6) Adopt rules pursuant to chapter 91 and not  
11 inconsistent with law; and
- 12 (7) Generally have all powers necessary to fully carry out  
13 this chapter.
- 14 (b) Notwithstanding any law or provision to the contrary,  
15 the department of transportation [~~is authorized to~~] may plan,  
16 construct, operate, and maintain any [~~commercial~~] harbor  
17 facility in the State, including[~~7~~] but not limited to[~~7~~] the  
18 acquisition and use of lands necessary to stockpile dredged  
19 spoils, without the approval of county agencies.
- 20 All moneys appropriated for [~~commercial~~] harbor  
21 improvements, including new construction, reconstruction,  
22 repairs, salaries, and operating expenses, shall be expended



1 under the supervision and control of the department, subject to  
2 this chapter and chapter 103D.

3 All contracts and agreements authorized by law to be  
4 entered into by the department shall be executed on its behalf  
5 by the director of transportation.

6 (c) The department shall prepare and submit annually to  
7 the governor a report of its official acts during the preceding  
8 fiscal year, together with its recommendations as to  
9 [~~commercial~~] harbor improvements throughout the State."

10 SECTION 14. Section 266-3, Hawaii Revised Statutes, is  
11 amended by amending subsections (a) and (b) to read as follows:

12 "(a) The director of transportation may adopt rules as  
13 necessary to:

14 (1) Regulate the manner in which all vessels may enter and  
15 moor, anchor or dock in the [~~commercial~~] ocean waters,  
16 navigable streams, harbors, ports, and roadsteads of  
17 the State, or move from one dock, wharf, pier, quay,  
18 bulkhead, landing, anchorage, or mooring to another  
19 within the [~~commercial~~] waters, streams, harbors,  
20 ports, or roadsteads;



- 1           (2) The examination, guidance, and control of harbor  
2           masters and their assistants and their conduct while  
3           on duty;
- 4           (3) The embarking or disembarking of passengers;
- 5           (4) The expeditious and careful handling of freight,  
6           goods, wares, and merchandise of every kind which may  
7           be delivered for shipment or discharged on the  
8           [~~commercial~~] docks, wharves, piers, quays, bulkheads,  
9           or landings belonging to or controlled by the State;  
10          and
- 11          (5) Defining the duties and powers of carriers, shippers,  
12          and consignees respecting passengers, freight, goods,  
13          wares, and merchandise in and upon the docks, wharves,  
14          piers, quays, bulkheads, or landings within the  
15          [~~commercial~~] harbors, ports, and roadsteads of the  
16          State. The director may also make further rules for  
17          the safety of the docks, wharves, piers, quays,  
18          bulkheads, and landings on, in, near, or affecting [~~a~~  
19          ~~commercial~~] ocean waters, navigable streams, and  
20          harbor and waterfront improvements belonging to or  
21          controlled by the State.



1 (b) The director may also adopt, amend, and repeal such  
2 rules as are necessary:

3 (1) For the proper regulation and control of all shipping  
4 in the [~~commercial~~] harbors belonging to or controlled  
5 by the State, and of the entry, departure, mooring,  
6 and berthing of vessels therein, and for the  
7 regulation and control of all other matters and things  
8 connected with such shipping[+] in all the harbors,  
9 ocean waters, and navigable streams;

10 (2) To prevent the discharge or throwing into [~~commercial~~]  
11 harbors, ocean waters, and navigable streams, of  
12 rubbish, refuse, garbage, or other substances likely  
13 to affect water quality or that contribute to making  
14 such harbors, ocean waters, and navigable streams  
15 unsightly, unhealthful, or unclean, or that are liable  
16 to fill up shoal or shallow waters in, near, or  
17 affecting the [~~commercial~~] harbors[+and], ocean  
18 waters, and navigable streams; and

19 (3) To prevent the escape of fuel or other oils or  
20 substances into the waters in, near, or affecting  
21 [~~commercial~~] harbors, ocean waters, and navigable  
22 streams, from any source point, including[+] but not



1 limited to[-] any vessel or pipes or storage tanks  
2 upon the land[-]; and

3 (4) To effectuate the purposes of chapter 200."

4 SECTION 15. Section 266-21.4, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) The department shall:

7 (1) [~~develop~~] Develop a list of minimum requirements for  
8 the marine inspection of vessels seeking permits to  
9 moor in state [~~commercial~~] harbors[-];

10 (2) [~~approve~~] Approve qualified marine surveyors to  
11 inspect vessels seeking permits to moor in state  
12 [~~commercial~~] harbors[-]; and

13 (3) [~~approve~~] Approve a fee schedule for marine surveyors'  
14 inspections."

15 SECTION 16. Section 266-24, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§266-24 Enforcement.** (a) The director of transportation  
18 shall enforce this chapter and chapter 200, and all rules  
19 ~~thereunder, except for the rules [relative to the control and~~  
20 ~~management of the beaches encumbered with easements in favor of~~  
21 ~~the public and ocean waters which shall be]~~ enforced by the  
22 department of land and natural resources[-] under section 199-



1 3(a)(8). For the purpose of the enforcement of this chapter and  
2 chapter 200, and of all rules adopted pursuant to this  
3 ~~chapter[7]~~ and chapter 200, the powers of police officers are  
4 conferred upon the director of transportation and any officer,  
5 employee, or representative of the department of transportation.  
6 Without limiting the generality of the foregoing, the director  
7 and any person appointed by the director hereunder may serve and  
8 execute warrants, arrest offenders, and serve notices and  
9 orders. The director of transportation and any employee, agent,  
10 or representative of the department of transportation appointed  
11 as enforcement officers by the director, and every state and  
12 county officer charged with the enforcement of any law, statute,  
13 rule, regulation, ordinance, or order, shall enforce and assist  
14 in the enforcement of this chapter and chapter 200, and of all  
15 rules and orders issued pursuant [~~thereto,~~] to this chapter and  
16 chapter 200 and in carrying out [~~the~~] these responsibilities  
17 [~~hereunder~~], each shall be specifically authorized to:

18 (1) Conduct any enforcement action [~~hereunder~~] under the  
19 authority of this section in any [~~commercial~~] harbor  
20 area and any area over which the department of  
21 transportation and the director of transportation



1           ~~has~~ have jurisdiction under this chapter~~[+]~~ and  
2           chapter 200;

3           (2) Inspect and examine at reasonable hours any premises,  
4           and the buildings and other structures thereon, where  
5           harbors or harbor facilities are situated, or where  
6           harbor-related activities are operated or conducted;  
7           and

8           (3) Subject to limitations as may be imposed by the  
9           director of transportation, serve and execute  
10          warrants, arrest offenders, and serve notices and  
11          orders.

12          For purposes of this subsection, the term "agents and  
13          representatives" includes persons performing services at harbors  
14          or harbor areas under contract with the department of  
15          transportation.

16          (b) The department of transportation, in the name of the  
17          State, may enforce this chapter and chapter 200 and the rules  
18          and orders issued pursuant thereto by injunction or other legal  
19          process in the courts of the State."

20          SECTION 17. Section 266-27, Hawaii Revised Statutes, is  
21          amended as follows:

22          1. By amending subsection (a) to read:



1           "(a) No person shall moor a vessel in a state [~~commercial~~]  
2 harbor without obtaining a use permit; nor shall a person  
3 continue to moor a vessel in any state [~~commercial~~] harbor if  
4 the use permit authorizing the vessel to moor has expired or  
5 otherwise been terminated. A vessel moored without a use permit  
6 or with a use permit that has expired or been terminated is an  
7 unauthorized vessel and is subject to subsections (b) to (e)."

8           2. By amending subsection (c) to read:

9           "(c) An unauthorized vessel may be impounded by the  
10 department at the sole cost and risk of the owner of the vessel,  
11 if such a vessel is not removed after the seventy-two-hour  
12 period or if during said period the vessel is removed and re-  
13 moored in said harbor or any other state [~~commercial~~] harbor  
14 without a use permit."

15           SECTION 18. Sections 200-4(a), 200-9(d), 200-10(d),  
16 200-14.5(a), 200-19, 200-22, 200-26(d), 200-36, 200-37(k),  
17 200-41, 200-49, and 200-73, Hawaii Revised Statutes, are amended  
18 by substituting the word "director" or like terms, wherever the  
19 word "chairperson" or like terms occurs, as the context  
20 requires; and by substituting the word "department" or like  
21 terms, wherever the word "board" or like term occurs, as the  
22 context requires.



1 SECTION 19. All rights, powers, functions, and duties of  
2 the department of land and natural resources relating to the  
3 regulation of ocean recreation and coastal areas programs under  
4 chapter 200, Hawaii Revised Statutes, other than those under  
5 section 199-3(a)(8), Hawaii Revised Statutes, are transferred to  
6 the department of transportation.

7 All officers and employees whose functions are transferred  
8 by this Act shall be transferred with their functions and shall  
9 continue to perform their regular duties upon their transfer,  
10 subject to the state personnel laws and this Act.

11 No officer or employee of the State having tenure shall  
12 suffer any loss of salary, seniority, prior service credit,  
13 vacation, sick leave, or other employee benefit or privilege as  
14 a consequence of this Act, and such officer or employee may be  
15 transferred or appointed to a civil service position without the  
16 necessity of examination; provided that the officer or employee  
17 possesses the minimum qualifications for the position to which  
18 transferred or appointed; and provided that subsequent changes  
19 in status may be made pursuant to applicable civil service and  
20 compensation laws.

21 Any incumbent officer or employee of the State who does not  
22 have tenure and who may be transferred or appointed to a civil



1 service position as a consequence of this Act, shall be granted  
2 regular civil service status without loss of seniority, prior  
3 service credit, vacation, sick leave, or other employee  
4 benefits, and without the necessity of examination; provided  
5 they possess the minimum qualifications for the class to which  
6 their positions are assigned. The pay rate of non-tenured  
7 employees affected by this Act shall be determined in the same  
8 manner as the pay rate of other civil service employees in  
9 comparable positions with the same length of service. Any  
10 officer or employee converted by this Act shall have performed  
11 work satisfactorily in the position for a period of not less  
12 than six months prior to the effective date of this Act.

13 In the event that an office or position held by an officer  
14 or employee having tenure is abolished, the officer or employee  
15 shall not thereby be separated from public employment, but shall  
16 remain in the employment of the State with the same pay and  
17 classification and shall be transferred to some other office or  
18 position for which the officer or employee is eligible under the  
19 personnel laws of the State as determined by the head of the  
20 department or the governor.

21 All appropriations, records, equipment, machines, files,  
22 supplies, contracts, books, papers, documents, maps, and other



1 personal property heretofore made, used, acquired, or held by  
2 the department of land and natural resources relating to the  
3 functions transferred to the department of transportation shall  
4 be transferred with the functions to which they relate.

5 SECTION 20. All rules, policies, procedures, guidelines,  
6 and other material adopted or developed by the department of  
7 land and natural resources with regard to the ocean recreation  
8 and coastal areas programs shall remain in full force and effect  
9 until amended or repealed by the department of transportation  
10 pursuant to chapter 91, Hawaii Revised Statutes. In the  
11 interim, every reference to the department, board, or  
12 chairperson of the board of land and natural resources in those  
13 rules, policies, procedures, guidelines, and other material is  
14 amended to refer to the department of transportation or director  
15 of transportation, as appropriate.

16 SECTION 21. All executive orders, revocable permits,  
17 easements, and rights of entry for the use of state lands issued  
18 and granted to the department of land and natural resources for  
19 use in connection with the ocean recreation and coastal areas  
20 programs shall be withdrawn or terminated and appropriate land  
21 dispositions for use in connection with the ocean recreation and  
22 coastal areas programs may be made by the department of



1 transportation, as appropriate, subsequent to the transfer of  
2 the ocean recreation and coastal areas programs to the  
3 department of transportation.

4 PART III

5 SECTION 22. Plans and preparation for transfers. The  
6 chairperson of the board of land and natural resources and the  
7 director of transportation shall appoint a management team to  
8 develop the appropriate transition plans, rework position  
9 descriptions, revise personnel classifications, develop an  
10 organizational structure, and attend to other administrative  
11 details so that the transfer of functions under this Act can be  
12 implemented on July 1, 2008. The department of transportation  
13 may hire staff for these purposes, who shall be exempt from  
14 chapters 76 and 78, Hawaii Revised Statutes,

15 SECTION 23. The board of land and natural resources and  
16 the department of transportation shall jointly report to the  
17 legislature, not later than twenty days prior to the convening  
18 of the 2008 regular session, on their efforts to effectuate the  
19 transfers required by this Act.

20 SECTION 24. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so much  
22 thereof as may be necessary for fiscal year 2007-2008 and the



1 sum of \$                    or so much thereof as may be necessary for  
2 fiscal year 2008-2009 to hire staff to plan and prepare for the  
3 transfer of the ocean recreation and coastal areas programs from  
4 the board of land and natural resources to the department of  
5 transportation.

6            The sums appropriated shall be expended by the department  
7 of transportation for the purposes of this Act.

8            SECTION 25. It is the intent of this Act to neither  
9 jeopardize the receipt of any federal aid nor to impair the  
10 obligation of the State or any agency thereof to persons with  
11 which it has existing contracts or to the holders of any bond  
12 issued by the State or by any such agency, and to the extent,  
13 and only to the extent, necessary to effectuate this intent, the  
14 governor may modify the strict provisions of this Act, but shall  
15 promptly report any such modification with reasons therefor to  
16 the legislature at its next session thereafter for review by the  
17 legislature.

18            SECTION 26. All acts passed by the legislature during this  
19 regular session of 2007, whether enacted before or after the  
20 effective date of this Act, shall be amended to conform to this  
21 Act unless such acts specifically provide that this Act is being  
22 amended.



# H.B. NO. 736

1 SECTION 27. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 28. This Act shall take effect upon its approval;  
4 provided that section 25 shall take effect on July 1, 2007, and  
5 part II shall take effect on July 1, 2008.

6

INTRODUCED BY: Kirk Caldwell

*[Handwritten signature]*

JAN 19 2007



H.B. 736

**Report Title:**

Small Boat Harbors; Transfer to Department of Transportation

**Description:**

Transfers small boat harbors, boating, ocean recreation, and coastal areas programs, from DLNR back to DOT. Allows DLNR to retain its present scope of jurisdiction over enforcement of the programs.

