
A BILL FOR AN ACT

RELATING TO HARBORS.

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

1 SECTION 1. The legislature finds that, in the county of
2 Maui, the department of transportation has jurisdiction over
3 Kahului harbor, Kaunakakai harbor, and Kaunalapau harbor, which
4 are larger facilities having a direct and significant effect on
5 transportation. However, the department of land and natural
6 resources has jurisdiction over the Lahaina and Maalaea small
7 boat harbor facilities in the county of Maui.

8 The legislature also finds that Lahaina and Maalaea small
9 boat harbors in the county of Maui are the only small boat
10 harbors in the State from which interisland ferries operate
11 within a single county. Clearly, small boat harbors that serve
12 interisland ferry transportation have direct and significant
13 effects on transportation for all state residents, including
14 those on the county of Maui, and thus should also be placed
15 under the jurisdiction of the department of transportation.

16 The legislature further finds that the transfer of
17 jurisdiction over the Lahaina and Maalaea small boat harbor
18 facilities within the county of Maui from the department of land



1 and natural resources to the department of transportation is not
2 only in the interest of the people of the State, but would more
3 appropriately serve the underlying purposes and functions of
4 both the department of land and natural resources and the
5 department of transportation.

6 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
7 amended by adding a new section to part I to be appropriately
8 designated and to read as follows:

9 "§200- Transfer of small boat harbor facilities to
10 department of transportation. Pursuant to section 200-2(b), and
11 any other law to the contrary notwithstanding, jurisdiction of
12 the Lahaina and Maalaea small boat harbor facilities within the
13 county of Maui shall be transferred from the department of land
14 and natural resources to the department of transportation."

15 SECTION 3. All appropriations, records, equipment,
16 machines, files, supplies, contracts, books, papers, documents,
17 maps, and other personal property heretofore made, used,
18 acquired, or held by the department of land and natural
19 resources relating to the functions transferred to the
20 department of transportation shall be transferred with the
21 functions to which they relate.



1 SECTION 4. The jurisdiction, functions, powers, duties,
2 and authority exercised by the department of land and natural
3 resources pursuant to chapter 200, Hawaii Revised Statutes,
4 relating to the Lahaina and Maalaea small boat harbors in the
5 county of Maui, shall be transferred to and conferred upon the
6 department of transportation by this Act and shall be performed
7 and enforced in the same manner as previously authorized,
8 entitled, or obligated except as otherwise authorized, directed,
9 or instructed by this Act.

10 The department of transportation shall succeed to all of
11 the rights and powers previously exercised, and all of the
12 duties and obligations incurred, by the department of land and
13 natural resources in the exercise of the functions, powers,
14 duties, and authority transferred, whether those functions,
15 powers, duties, and authority are mentioned in or granted in any
16 law, contract, or other document.

17 SECTION 5. All rules, policies, procedures, guidelines,
18 and other material adopted or developed by the department of
19 land and natural resources to implement the provisions of the
20 Hawaii Revised Statutes that are reenacted or made applicable to
21 the department of transportation by this Act, shall remain in
22 full force and effect until amended or repealed by the



1 department of transportation pursuant to chapter 91, Hawaii
2 Revised Statutes. In the interim, every reference to the
3 department of land and natural resources or chairperson of the
4 board of land and natural resources in those rules, policies,
5 procedures, guidelines, and other material is amended to refer
6 to the department of transportation or director of
7 transportation as appropriate.

8 SECTION 6. All deeds, leases, contracts, loans,
9 agreements, permits, or other documents executed or entered into
10 by or on behalf of the department of land and natural resources
11 pursuant to the provisions of the Hawaii Revised Statutes, that
12 are reenacted or made applicable to the department of
13 transportation by this Act, shall remain in full force and
14 effect. Every reference to the department of land and natural
15 resources or the chairperson of the board of land and natural
16 resources therein shall be construed as a reference to the
17 department of transportation or the director of transportation
18 as appropriate.

19 SECTION 7. All executive orders, revocable permits,
20 easements, and rights of entry for the use of state lands issued
21 and granted to the department of land and natural resources for
22 use in connection with the Lahaina and Maalaea small boat



1 harbors in the county of Maui shall be withdrawn or terminated
 2 and appropriate land disposition for use in connection with the
 3 Lahaina and Maalaea small boat harbors in the county of Maui
 4 shall be made by the department of transportation, as
 5 appropriate, subsequent to the transfer to the department of
 6 transportation.

7 SECTION 8. All acts passed by the legislature during this
 8 regular session of 2010, whether enacted before or after the
 9 effective date of this Act, shall be amended to conform to this
 10 Act, unless such acts specifically provide that this Act is
 11 being amended.

12 SECTION 9 This Act shall be liberally construed in order
 13 to accomplish the purposes set forth herein.

14 SECTION 10. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 11. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

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Report Title:

Maui Small Boat Harbors; Transfer to Department of Transportation

Description:

Transfers jurisdiction of the Lahaina and Maalaea small boat harbors within the county of Maui from the department of land and natural resources to the department of transportation.

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

