
A BILL FOR AN ACT

RELATING TO SMALL BOAT HARBORS.

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

1 SECTION 1. The legislature finds that the Kahoolawe island
2 reserve commission is in need of funds so that it may fulfill
3 its duty to protect the Kahoolawe island reserve. The
4 legislature also finds that the commission is attempting to
5 raise funds through the use of properties in Kihei, one of which
6 is the site of a planned museum in Kihei that informs visitors
7 about Kahoolawe island. The legislature believes that more
8 people, especially people who use the nearby Kihei small boat
9 harbor, are likely to visit these properties if the commission
10 has management control over the Kihei small boat harbor.

11 The purpose of this Act is to assist the Kahoolawe island
12 reserve commission in its efforts by authorizing:

13 (1) The board of land and natural resources to transfer to
14 the Kahoolawe island reserve commission the board's
15 duties to operate, administer, manage, and maintain
16 the Kihei small boat harbor; and



(2) The Kahoolawe island reserve commission to undertake the management of the Kihei small boat harbor.

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

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

(a) The board may transfer to the Kahoolawe island reserve commission the board's duties under sections 200-2 and 200-3 to operate, administer, manage, and maintain the Kihei small boat harbor.

(b) If the Kahoolawe island reserve commission assumes duties pursuant to this section, the commission shall comply with this chapter and all other applicable laws.

(c) Notwithstanding section 37-74(d), funds may be transferred between the board and the Kahoolawe island reserve commission to the extent necessary for the purposes of this section; provided that any transfer of funds appropriated by the legislature shall be reported to the legislature pursuant to section 37-74(d)(1).

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



1 SECTION 3. Section 6K-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§6K-6 Responsibilities and duties of the commission.** The
4 general administration of the island reserve shall rest with the
5 commission. In carrying out its duties and responsibilities,
6 the commission:

7 (1) Shall establish criteria, policies, and controls for
8 permissible uses within the island reserve;

9 (2) Shall approve all contracts for services and rules
10 pertaining to the island reserve;

11 (3) Shall provide advice to the governor, the department,
12 and other departments and agencies on any matter
13 relating to the island reserve;

14 (4) Shall provide advice to the office of planning and the
15 department of the attorney general on any matter
16 relating to the federal conveyance of Kaho'olawe;

17 (5) May enter into curator or stewardship agreements with
18 appropriate Hawaiian cultural and spiritual community
19 organizations for the perpetuation of native Hawaiian
20 cultural, religious, and subsistence customs, beliefs,
21 and practices for the purposes stated in section 6K-3;



- 1 (6) Shall carry out those powers and duties otherwise
2 conferred upon the board of land and natural resources
3 and the land use commission with regard to
4 dispositions and approvals pertaining to the island
5 reserve. All powers and duties of the board of land
6 and natural resources and the land use commission
7 concerning dispositions and approvals pertaining to
8 the island reserve are transferred to the commission;
- 9 (7) Shall carry out those powers and duties concerning the
10 island reserve otherwise conferred upon the county of
11 Maui by chapter 205A. The powers and duties of the
12 county of Maui and its agencies concerning coastal
13 zone dispositions and approvals pertaining to the
14 island reserve are transferred to the commission;
- 15 (8) Shall carry out those powers and duties concerning the
16 island reserve otherwise conferred upon the island
17 burial councils and the department with regard to
18 proper treatment of burial sites and human skeletal
19 remains found in the island reserve;



1 (9) May operate, administer, manage, and maintain the

2 Kihei small boat harbor pursuant to section 200- ;

3 ~~[(9)]~~ (10) Shall adopt rules in accordance with chapter 91

4 that are necessary for the purposes of this chapter

5 and shall maintain a record of its proceedings and

6 actions;

7 ~~[(10)]~~ (11) May delegate to the executive director or

8 employees of the commission, by formal commission

9 action, such power and authority vested in the

10 commission by this chapter as the commission deems

11 reasonable and proper for the effective administration

12 of this chapter; and

13 ~~[(11)]~~ (12) May solicit and accept grants, donations, and

14 contributions for deposit into the Kaho'olawe

15 rehabilitation trust fund to support the purposes of

16 this chapter."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2018.

20 INTRODUCED BY:



H.B. NO. 2098

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JAN 19 2018



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Report Title:

BLNR; KIRC; Kihei Small Boat Harbor

Description:

Authorizes the Board of Land and Natural Resources to transfer to the Kahoolawe Island Reserve Commission the Board's duties to operate, administer, manage, and maintain the Kihei Small Boat Harbor. Authorizes the Kahoolawe island reserve commission to undertake those duties.

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