# A BILL FOR AN ACT

RELATING TO USE PERMITS FOR SMALL BOAT HARBOR FACILITIES.

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

1	SECTION 1. Section 200-10, Hawaii Revised Statutes, is
2	amended by amending subsection (c) to read as follows:
3	"(c) The permittee shall pay moorage fees to the
4	department for the use permit that shall be based on but not
5	limited to the use of the vessel, its effect on the harbor, use
6	of facilities, and the cost of administering this mooring
7	program; [ <del>and,</del> ] furthermore:
8	(1) Except for commercial maritime activities where there
9	is a tariff established by the department of
10	transportation, moorage fees shall be established by
11	appraisal by a state-licensed appraiser approved by
12	the department [and shall be higher for nonresidents
13	than for residents. The moorage fees shall be set by
14	appraisal categories schedule A and schedule B, to be
15	determined by the department, and may be increased
16	annually by the department, to reflect a cost-of-
17	living index increase; provided that:

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1		(A) Schedule A shall include existing mooring
2		permittees; and
3		(B) Schedule B shall apply to all new mooring
4		applicants and transient slips on or after
5		<del>July 1, 2011;</del>
6		provided further that schedule A rates shall be
7		increased by the same amount each year so that
8		schedule A rates equal schedule B rates by July 1,
9		<del>2014</del> ];
10	(2)	For commercial maritime activities where there is a
11		tariff established by the harbors division of the
12		department of transportation, the department may adopt
13		the published tariff of the harbors division of the
14		department of transportation or establish the fee by
15		appraisal by a state-licensed appraiser approved by
16		the department;
17	(3)	An application fee shall be collected when applying
18		for moorage in state small boat harbors and shall
19		thereafter be collected annually when the application
20		is renewed. The application fee shall be[ $\div$
21		(A) Set] set by the department; [and

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1		(B) Not less than \$100 for nonresidents;]
2	(4)	If a recreational vessel is used as a place of
3		principal habitation, the permittee shall pay, in
4		addition to the moorage fee, a liveaboard fee that
5		shall be [ <del>calculated at a rate of:</del>
6		(A) \$5.20 a foot of vessel length a month if the
7		permittee is a state resident; and
8		(B) \$7.80 a foot of vessel length a month if the
9		permittee is a nonresident;
10		provided that the liveaboard fees established by this
11		paragraph may be increased by the department at the
12		rate of the annual cost-of-living index, but not more
13		than five per cent in any one year, beginning July 1
14		of each year;] established by appraisal by a state-
15		licensed appraiser approved by the department;
16	(5)	If a vessel is used for commercial purposes from its
17		permitted mooring, the permittee shall pay, in lieu of
18		the moorage and liveaboard fee, [ <del>a fee based on three</del> ]
19		the greater of a fee based on:
20		(A) Three per cent of the gross revenues derived from
21		the use of the vessel; or

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1		(B) If the vessel is also used as a place of
2		principal habitation, the liveaboard fee plus two
3		times the moorage fee that would be assessed for
4		a recreational vessel of the same size,
5		[whichever is greater;] and, if the vessel is not
6		also used as a place of principal habitation, two
7		times the moorage fee that would be assessed for
8		a recreational vessel of the same size;
9	(6)	The department is authorized to assess and collect
10		utility fees, including electrical and water charges,
11		and common-area maintenance fees in small boat
12		harbors [-] ; and
13	(7)	All fees established by appraisal pursuant to this
14		subsection shall be set at fair market value."
15	SECTI	ON 2. This Act does not affect rights and duties that
16	matured, p	enalties that were incurred, and proceedings that were
17	begun befo	pre its effective date.
18	SECTI	ON 3. Statutory material to be repealed is bracketed
19	and strick	en. New statutory material is underscored.
20	SECTI	ON 4. This Act shall take effect on December 31,
21	2050.	



#### Report Title:

Mooring Fees; Liveaboard Fees; Appraisal; State Small Boat Harbors

#### Description:

Establishes that liveaboard fees for state small boat harbors shall be established by appraisal by a state-licensed appraiser approved by the Department of Land and Natural Resources and shall be set at fair market value. Clarifies fees charged for vessels used for commercial purposes. Takes effect 12/31/2050. (SD1)

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