

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO STATE SMALL BOAT HARBOR PERMITS AND FEES.

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

1       SECTION 1. The legislature finds that the department of  
2 land and natural resources' division of boating and ocean  
3 recreation is responsible for operating and maintaining the  
4 state's small boat harbors among the division's other  
5 responsibilities.

6       The legislature further finds that, during the regular  
7 sessions of 2018 and 2021, the legislature enacted legislation  
8 to grant the division of boating and ocean recreation fee  
9 increases to address the need to generate sufficient revenue to  
10 discharge the divisions small boat harbor responsibilities.

11       The legislature also recognizes that the interests of the  
12 department of land and natural resources and those who are  
13 permitted to live aboard their vessels may appear to be in  
14 conflict.

15       The purpose of this Act is to clarify the department of  
16 land and natural resources' responsibilities and procedures for  
17 the cost-effective maintenance of harbors.



1       SECTION 2. Section 200-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3       "(b) Vessels used for purposes of recreational boating  
4 activities that are also the principal habitation of the owners  
5 shall occupy no more than one hundred twenty-nine berths at Ala  
6 Wai boat harbor and thirty-five berths at Keehi boat harbor,  
7 which is equal to fifteen per cent of the respective total  
8 moorage space that was available as of July 1, 1976, at the Ala  
9 Wai and Keehi boat harbors[-]; provided that:

10       (1) The department may accept principal habitation permit  
11       applications from holders of mooring permits upon  
12       receipt of a completed application on a form  
13       prescribed by the department, together with the  
14       payment of an application fee set by the department;

15       (2) The department may issue available principal  
16       habitation permits up to the maximum amount set by  
17       this section; and

18       (3) The department may establish a waiting list and  
19       corresponding waiting list fee for principal  
20       habitation permit applicants to hold their place in



1           the queue for pending principal habitation permit  
2           applications."

3           SECTION 3. Section 200-10, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5           "(c) The permittee shall pay moorage fees to the  
6 department for the use permit that shall be based on but not  
7 limited to the use of the vessel, the vessel's effect on the  
8 harbor, use of facilities, and the cost of administering the  
9 mooring program; provided that:

10          (1) Except for commercial maritime activities in which a  
11             tariff is established by the department of  
12             transportation, moorage fees shall be established by  
13             appraisal by a state-licensed appraiser approved by  
14             the department;

15          (2) For commercial maritime activities in which a tariff  
16             is established by the harbors division of the  
17             department of transportation, the department may adopt  
18             the published tariff of the harbors division of the  
19             department of transportation or establish the fee by  
20             appraisal by a state-licensed appraiser approved by  
21             the department;



1       (3) An application fee shall be collected when applying  
2       for moorage in state small boat harbors and shall  
3       thereafter be collected annually when the application  
4       is renewed; provided that the application fee shall be  
5       set by the department[+] except as otherwise provided  
6       by law;

7       (4) If a recreational vessel is used as a place of  
8       principal habitation, the permittee shall pay[, ~~in~~  
9       ~~lieu of the moorage~~] a mooring permit fee as required  
10      by paragraph (1), and a [monthly liveaboard] principal  
11      habitation fee [that shall be two times the moorage]  
12      equal to the mooring permit fee that would [otherwise]  
13      be assessed for a vessel of the same size;

14      (5) If a vessel is used for commercial purposes from the  
15      vessel's permitted mooring, the permittee shall pay,  
16      in lieu of the moorage fee required by paragraph (1),  
17      a monthly fee that shall be the greater of:

18           (A) Three per cent of the gross revenues derived from  
19           the use of the vessel;

20           (B) \$1.50 per passenger carried for hire; or



1 (C) Two times the moorage fee that would otherwise be  
2 assessed for a recreational vessel of the same  
3 size;

4 (6) The department is authorized to assess and collect  
5 utility fees, including electrical and water charges,  
6 and common-area maintenance fees in small boat  
7 harbors; provided that if the utility fee is paid by  
8 the permittee, the permittee shall only be responsible  
9 for paying common-area maintenance fees; provided  
10 further that if a permittee has a properly installed  
11 meter or sub-meter, the utility fees shall be based on  
12 the metered or sub-metered usage records; and

13 (7) All fees established by appraisal pursuant to this  
14 subsection shall be set at fair market value~~[ ]~~;  
15 provided that no fee may be changed more than once in  
16 any twelve-month period commencing on the date on  
17 which the prior fee became effective."

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

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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "J. Mink", is written over a horizontal line.

# S.B. NO. 2684

**Report Title:**

Department of Land and Natural Resources; Small Boat Harbors;  
Permits and Fees

**Description:**

Clarifies restrictions relating to certain classes of permits and the issuance thereof, as well as methods for determining fees, for state small boat harbors.

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

