
A BILL FOR AN ACT

RELATING TO OCEAN RECREATION COMMERCIAL PERMITS.

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

1 SECTION 1. Section 200-10, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (d) to read:

4 "(d) The department shall not renew or issue a permit to a
5 person who is not the owner of the vessel [~~which~~] that is moored
6 or [~~which~~] that the person desires to moor in a state small boat
7 harbor. No use permit may be transferred unless specifically
8 provided by law. Any individual who is an owner of a vessel
9 used for commercial purposes, including commercial fishing as a
10 principal means of livelihood, and possesses a valid mooring
11 permit or commercial permit, or both, in accordance with the
12 rules adopted by the chairperson pursuant to chapter 91, may
13 transfer ownership of the vessel from personal ownership to
14 corporate or other business ownership without terminating the
15 right to moor or operate the vessel under the permit or permits.
16 The existing permit or permits shall be reissued in the name of
17 the transferee corporation or other business entity. The



1 department may designate moorage space within state small boat
2 harbors to accommodate commercial fishing vessels and transient
3 vessels."

4 2. By amending subsection (g) to read:

5 "(g) [~~The department may designate moorage space within~~
6 ~~state small boat harbors to accommodate commercial fishing~~
7 ~~vessels and transient vessels.] Except as provided in section
8 200-37(1), all new commercial use permits issued for commercial
9 ocean recreation activity occurring in an ocean recreation
10 management area that are not renewals of permits shall be issued
11 by the following methods and in the following order until all
12 permits allowed by law or determined by the department to be a
13 reasonable number have been issued:~~

14 (1) Seniority based on an applicant's number of years
15 engaged in the business for which a commercial use
16 permit is sought, proven by records including but not
17 limited to booking records, gross receipts, passenger
18 manifests, vessel logs, dive logs, and tax records;

19 (2) Seniority based on the date and time a commercial use
20 permit application was submitted;

21 (3) Unsealed public auction; and



1 (4) Lottery.
2 Within an ocean recreation management area or state boating
3 facility in which the department has implemented administrative
4 rules setting a limit on the number of commercial use permits
5 that can be issued at any one time, if the number of commercial
6 use permits issued exceeds the relevant permit limit, the
7 department shall determine which permittees will be allowed to
8 continue to renew their commercial use permit and shall disallow
9 all other permittees from renewing their commercial use permit
10 by seniority based on the existing permittees' number of years
11 engaged in the business in the area or facility, proven by
12 records including but not limited to booking records, gross,
13 receipts, passenger manifests, vessel logs, dive logs, and tax
14 records, in order to meet the permit limit."

15 SECTION 2. (a) There is established an ocean recreation
16 commercial permits working group within the division of boating
17 and ocean recreation of the department of land and natural
18 resources.

19 (b) The working group shall consist of:



- 1 (1) A representative of the department of land and natural
2 resources, to be selected by the chairperson of the
3 board of land and natural resources;
- 4 (2) A representative of the department of the attorney
5 general, to be selected by the attorney general;
- 6 (3) A representative of the Ocean Tourism Coalition, who
7 shall be invited by the chairperson of the board of
8 land and natural resources; and
- 9 (4) Two current holders of ocean recreation commercial
10 permits, who shall be invited by the chairperson of
11 the board of land and natural resources.
- 12 (c) The working group shall examine the following matters:
 - 13 (1) The issuance of new ocean recreation commercial
14 permits;
 - 15 (2) The renewal of ocean recreation commercial permits;
16 and
 - 17 (3) The factors to be considered when an area is limited
18 in the number of ocean recreation commercial permits
19 that can be issued.



1 (d) The working group shall submit a report of its
2 findings and recommendations, including any proposed
3 legislation, to the legislature by November 1, 2023.

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on June 30, 3000;
10 provided that section 1 of this Act shall take effect on July 1,
11 2024.



Report Title:

Ocean Recreation Commercial Permits; Department of Land and Natural Resources; Working Group

Description:

Specifies the methods by which the department of land and natural resources can issue new ocean recreation commercial permits and renew existing ocean recreation commercial permits. Specifies that new permits for ocean recreation management areas and facilities where a permit limit is implemented shall be issued by the method and order set specified, until the limit is reached. For renewal of existing permits in ocean recreation management areas and facilities where a permit limit is implemented, bases renewal of a commercial permit on seniority, until the limit is reached. Establishes an ocean recreation commercial permits working group within the division of boating and ocean recreation of the department of land and natural resources. Effective 6/30/3000. (HD1)

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