

A Bill for an Act Relating to the Mooring of Commercial Vessels in Small Boat Harbors.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 266-21, Hawaii Revised Statutes, is amended to read as follows:

**“§266-21 Purpose and use of state small boat harbors.** State small boat harbors are constructed, maintained, and operated for the [primary purpose] purposes of (1) [promoting] recreational boating activities [and], (2) the landing of fish[.], and (3) commercial vessel activities. For the purpose of this section “recreational boating activities” means the utilization of watercraft for sports, hobbies, or pleasure[.] and “commercial vessel activities” means the utilization of vessels for activities or services provided on a fee basis. To implement [this purpose,] these purposes, only vessels in good material and operating condition that are regularly navigated beyond the confines of the small boat harbor, and which are used for recreational activities [or], the landing of fish, or commercial vessel activities shall be permitted to moor, anchor, or berth at such harbor or use any of its facilities. Vessels used for purposes of recreational boating activities which are also the principal habitation of the owner shall occupy no more than fifteen per cent of the respective total moorage space available as of July 1, 1976 at the Ala Wai and Keehi boat harbors. Notwithstanding the [primary purpose] purposes of small boat harbors, moorage for commercial vessels [is] and commercial vessel activities are not permitted in [a state small boat harbor, except that on Oahu moorage for commercial vessels is permitted in a state small boat harbor only where there is no commercial harbor within a distance of three statute miles.] the Ala Wai or Keehi boat harbors. The department may adopt rules pursuant to chapter 91 to further implement this section.”

SECTION 2. Statutory material to be repealed is bracketed. New materials is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 14, 1984.)