

ACT 110

H.B. NO. 2572

A Bill for an Act Relating to Kaneohe Bay.

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

SECTION 1. Section 200-39, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

“(c) Permits issued by the department for the commercial operation of ocean use activities in Kaneohe Bay shall be limited to the number and locations, by permit type and vessel and passenger capacity, provided in the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990 [and amended by section 200D-3], until applicable rules consistent with the master plan are adopted by the department; provided that the passenger capacity for snorkeling tours and glassbottom boat tours shall be set through rules adopted pursuant to chapter 91. No thrill craft permit may be transferred after June 21, 1998; provided that transfers of permits may be made at any time between family members.”

2. By amending subsection (e) to read:

“(e) All rules adopted by the department with regard to Kaneohe Bay shall be drafted in consultation with the Kaneohe Bay regional council [and shall be in accordance with, and implement the recommendations in, the Kaneohe Bay master plan]. For those provisions of the Kaneohe Bay master plan previously adopted by the legislature, the rules adopted by the department shall be in accordance with those provisions. Notwithstanding subsection (c) to the contrary, if the department determines for safety or environmental protection reasons that a permitted use should be relocated, the department may relocate the permitted use and the department shall have discretion to permit vessel substitution with a similar length vessel; provided that the increase is not greater than ten per cent of the current vessel length.

For those provisions of the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990, [and amended by section 200D-3.] not previously adopted by the legislature, the master plan shall be used as the recommended guideline in the adoption and implementation of rules with regard to the regulation of all activities in Kaneohe Bay.”

SECTION 2. Act 129, Session Laws of Hawaii 1998, is amended by amending section 6 to read as follows:

“SECTION 6. Notwithstanding any law to the contrary, the department of land and natural resources shall not implement any provision relating to the locations of the commercial operation of ocean use activities in Kaneohe Bay recommended in the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990, [and amended by section 200D-3, Hawaii Revised Statutes,] until the department adopts rules relating to these activities pursuant to chapter 91, Hawaii Revised Statutes, and in accordance with section 200-39(e), Hawaii Revised Statutes.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 22, 2000.)