

**ACT 79**

H.B. NO. 2917

A Bill for an Act Relating to Harbors.

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

SECTION 1. The purpose of this Act is to require the department of transportation to allow:

- (1) A vessel with a use permit to moor in Kewalo basin to moor in Honolulu harbor; and

(2) A vessel with a use permit to moor in Honolulu harbor to moor in Kewalo basin, under certain conditions.

SECTION 2. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§266- Kewalo basin use permit; Honolulu harbor use permit; portability.** (a) Notwithstanding any law to the contrary, the department of transportation shall allow, on a space available basis, a vessel with a use permit authorizing the vessel to moor in Kewalo basin to moor in Honolulu harbor at no additional cost and with no additional use permit required under the following conditions:

- (1) The manager of Kewalo basin prohibits entrance into Kewalo basin because of inclement weather or ocean conditions; provided that as soon as the manager of Kewalo basin opens the entrance to vessels, the vessel shall leave Honolulu harbor;
- (2) The owner or operator of a commercial fishing vessel desires to sell the owner’s or operator’s catch of fish to a business operating within Honolulu harbor or otherwise conduct business within Honolulu harbor; provided that the vessel shall not moor in Honolulu harbor for a period longer than is necessary to unload all or some of the catch of fish for sale or otherwise conduct business; and
- (3) The owner of the vessel is current in its payments of any moneys, rates, fees, dues, compensation, fines, or penalties assessed against the vessel that are due to the State.

(b) Notwithstanding any law to the contrary, the department with jurisdiction over Kewalo basin shall allow, on a space available basis, a vessel with a use permit authorizing the vessel to moor in Honolulu harbor to moor in Kewalo basin at no additional cost and with no additional use permit required subject to the discretion of the harbor manager of Kewalo basin.

(c) The director of transportation shall adopt rules pursuant to chapter 91, to implement this section.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved May 15, 2008.)

**Note**

1. Edited pursuant to HRS §23G-16.5.