
A BILL FOR AN ACT

RELATING TO SMALL BOAT HARBORS.

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

1 SECTION 1. The legislature finds that the Kahoolawe island
2 reserve commission is in need of funds so that it may fulfill
3 its duty to protect the Kahoolawe island reserve. The
4 legislature also finds that the commission is attempting to
5 raise funds through the use of properties in Kihei, one of which
6 is the site of a planned museum in Kihei that informs visitors
7 about Kahoolawe island. The legislature believes that more
8 people, especially people who use the nearby Kihei small boat
9 harbor, are likely to visit these properties if the commission
10 has management control over the Kihei small boat harbor.

11 The purpose of this Act is to assist the Kahoolawe island
12 reserve commission in its efforts by:

13 (1) Authorizing the board of land and natural resources to
14 transfer to the Kahoolawe island reserve commission
15 the board's duties to operate, administer, manage, and
16 maintain the Kihei small boat harbor, except for the



1 issuance of certain permits and the collection of
2 certain fees; and

3 (2) Authorizing the Kahoolawe island reserve commission to
4 undertake the management of the Kihei small boat
5 harbor.

6 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
7 amended by adding a new section to part I to be appropriately
8 designated and to read as follows:

9 "§200- Kihei small boat harbor; transfer of duties. (a)

10 The board may transfer to the Kahoolawe island reserve
11 commission the board's duties under sections 200-2 and 200-3 to
12 operate, administer, manage, and maintain the Kihei small boat
13 harbor; provided that all permits issued under section 200-10
14 shall remain under the statewide boating program; and provided
15 further that all fees collected shall be deposited in the
16 boating special fund.

17 (b) If the Kahoolawe island reserve commission assumes
18 duties pursuant to this section, the commission shall comply
19 with this chapter and all other applicable laws.

20 (c) Notwithstanding section 37-74(d), funds may be
21 transferred between the board and the Kahoolawe island reserve



1 commission to the extent necessary for the purposes of this
2 section; provided that any transfer of funds appropriated by the
3 legislature shall be reported to the legislature pursuant to
4 section 37-74 (d) (1) .

5 (d) The board shall adopt rules, pursuant to chapter 91,
6 necessary for the purposes of this section."

7 SECTION 3. Section 6K-6, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§6K-6 Responsibilities and duties of the commission. The
10 general administration of the island reserve shall rest with the
11 commission. In carrying out its duties and responsibilities,
12 the commission:

13 (1) Shall establish criteria, policies, and controls for
14 permissible uses within the island reserve;

15 (2) Shall approve all contracts for services and rules
16 pertaining to the island reserve;

17 (3) Shall provide advice to the governor, the department,
18 and other departments and agencies on any matter
19 relating to the island reserve;



- 1 (4) Shall provide advice to the office of planning and the
2 department of the attorney general on any matter
3 relating to the federal conveyance of Kaho'olawe;
- 4 (5) May enter into curator or stewardship agreements with
5 appropriate Hawaiian cultural and spiritual community
6 organizations for the perpetuation of native Hawaiian
7 cultural, religious, and subsistence customs, beliefs,
8 and practices for the purposes stated in section 6K-3;
- 9 (6) Shall carry out those powers and duties otherwise
10 conferred upon the board of land and natural resources
11 and the land use commission with regard to
12 dispositions and approvals pertaining to the island
13 reserve. All powers and duties of the board of land
14 and natural resources and the land use commission
15 concerning dispositions and approvals pertaining to
16 the island reserve are transferred to the commission;
- 17 (7) Shall carry out those powers and duties concerning the
18 island reserve otherwise conferred upon the county of
19 Maui by chapter 205A. The powers and duties of the
20 county of Maui and its agencies concerning coastal



1 zone dispositions and approvals pertaining to the
2 island reserve are transferred to the commission;

3 (8) Shall carry out those powers and duties concerning the
4 island reserve otherwise conferred upon the island
5 burial councils and the department with regard to
6 proper treatment of burial sites and human skeletal
7 remains found in the island reserve;

8 (9) May operate, administer, manage, and maintain the
9 Kihei small boat harbor pursuant to section 200- ;

10 [~~+9~~] (10) Shall adopt rules in accordance with chapter 91
11 that are necessary for the purposes of this chapter
12 and shall maintain a record of its proceedings and
13 actions;

14 [~~+10~~] (11) May delegate to the executive director or
15 employees of the commission, by formal commission
16 action, such power and authority vested in the
17 commission by this chapter as the commission deems
18 reasonable and proper for the effective administration
19 of this chapter; and

20 [~~+11~~] (12) May solicit and accept grants, donations, and
21 contributions for deposit into the Kaho'olawe



1 rehabilitation trust fund to support the purposes of
2 this chapter."

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

5 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Board of Land and Natural Resources; Kahoolawe Island Reserve Commission; Kihei Small Boat Harbor

Description:

Authorizes the Board of Land and Natural Resources to transfer the operation, administration, management, and maintenance of the Kihei Small Boat Harbor, with some exceptions, to Kahoolawe Island Reserve Commission. Authorizes the Kahoolawe Island Reserve Commission to undertake those duties. (HB2098 HD2)

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

