A BILL FOR AN ACT

RELATING TO USE PERMITS FOR SMALL BOAT HARBOR FACILITIES.

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

SECTION 1. Section 200-10, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The permittee shall pay moorage fees to the department for the use permit that shall be based on but not limited to the use of the vessel, its effect on the harbor, use of facilities, and the cost of administering this mooring program; [and] furthermore:

(1) Except for commercial maritime activities where there is a tariff established by the department of transportation, moorage fees shall be established by appraisal by a state-licensed appraiser approved by the department [and shall be higher for nonresidents than for residents. The moorage fees shall be set by appraisal categories schedule A and schedule B, to be determined by the department, and may be increased annually by the department, to reflect a cost of-living index increase, provided that:
1. Schedule A shall include existing mooring
   permittees; and
2. Schedule B shall apply to all new mooring
   applicants and transient slips on or after July 1, 2011;

3. provided further that schedule A rates shall be
   increased by the same amount each year so that
   schedule A rates equal schedule B rates by July 1,
   2014;

4. (2) For commercial maritime activities where there is a
   tariff established by the harbors division of the
   department of transportation, the department may adopt
   the published tariff of the harbors division of the
   department of transportation or establish the fee by
   appraisal by a state-licensed appraiser approved by
   the department;

5. (3) An application fee shall be collected when applying
   for moorage in state small boat harbors and shall
   thereafter be collected annually when the application
   is renewed. The application fee shall be
   set by the department; [and
   (A) Set] set by the department; [and
(B) Not less than $100 for nonresidents.)

(4) If a recreational vessel is used as a place of principal habitation, the permittee shall pay, in addition to the moorage fee, a liveaboard fee that shall be calculated at a rate of:

(A) $5.20 a foot of vessel length a month if the permittee is a state resident; and

(B) $7.80 a foot of vessel length a month if the permittee is a nonresident;

provided that the liveaboard fees established by this paragraph may be increased by the department at the rate of the annual cost-of-living index, but not more than [five] fifty per cent in any one year, beginning July 1 of each year;

(5) If a vessel is used for commercial purposes from its permitted mooring, the permittee shall pay, in lieu of the moorage and liveaboard fee, [a fee based on three] a fee that shall be the greater of:

(A) Three per cent of the gross revenues derived from the use of the vessel; or [two]
(B) Two times the moorage fee that would be assessed for a recreational vessel of the same size[— whichever is greater; and], provided that if a vessel is also used as a place of principal habitation, the vessel permittee shall also pay a liveaboard fee established by appraisal by a state-licensed appraiser approved by the department;

(6) The department is authorized to assess and collect utility fees, including electrical and water charges, and common-area maintenance fees in small boat harbors[—]; and

(7) All fees established by appraisal pursuant to this subsection shall be set at fair market value."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 4. This Act shall take effect on July 1, 2049.
Report Title:
DLNR; Mooring Fees; Liveaboard Fees; State Small Boat Harbors

Description:
Amends the various fees the Department of Land and Natural Resources may charge for the usage of state small boat harbors. Amends the manner in which those fees are applied. (SB1257 HD1)

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