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### **April 3, 2010 Legislative Update**

This is a recap of legislation as the Legislature moves into its' last phase. These are some of the bills or resolutions important to many recreational ocean users community, including boaters, surfers, paddlers, fishing enthusiasts and people adjacent to Ala Wai and Keehi harbors.

The bills HB 2582 and HB 2741 passed through the Senate [WAM](#) committee on Mar 24<sup>th</sup>, but were amended - NOT IN A GOOD WAY - and are now called [HB 2582 SD2](#) and [HB 2741 HD1 SD2](#), respectively. It took 8 days for the official text to be posted. The bad news is the liveboard rates are now FOUR TIMES!! instead of three times the new mooring rates (see the tables below or open the attachment and scroll to the bottom). The good news, if you can call it that, is both bills now have a "defective date". This ensures that both bills will make it to the Conference Committee (CC) stage. This "defective date" is NOT the date the bill could become law - it's merely a legislative maneuver that can easily be changed in CC.

To review, both bills change the law known as HRS 200-10 but referenced different sections and had different goals. HB 2741, related to small boat harbors, addressed corporation transfer issues (important to the charter operations throughout the harbor system) and HB 2582 only related to Ala Wai and Keehi harbors and would have allowed commercial operators in both harbors AND changed the method calculating the liveboard fees either doubling or tripling the mooring rate. As it stands today, if either bill passes as written, liveboard rates will QUADRUPLE!!

The provision to turn over recreational slips to commercial operators in both harbors was dropped in [WTL](#). In WTL's decision-making only hearing, Senator Hee stated that one of the reasons the commercial issue was dropped was there was time in this 2010 session to do a legal analysis of the land use restrictions in Ala Wai Harbor. See article [here](#) (scroll down to see readers comments).

Over the last decade, most of the defense of the recreational small boat harbors had been done by very few, mostly liveboard boaters, who had a greater vested interest in the lifestyle. It is fair to say that if the liveboards leave this year because of the exorbitant fee increases, there will be few, if any, to protect recreational [blue water](#) rights for the future generations of Hawaii residents. There will be a loss of revenues as liveboards move.

All boaters with boats in slips throughout the state are now paying the new mooring rates. The administration using a tactic called "[boiling frogs](#)", scheduled mooring rate increases that, over the course of 4 years, escalate to the point where once again, boating reverts to a rich man's sport as the middle-class Hawaii resident will be priced out of our *public* harbors.

To recap of other bills or resolutions:

[SB 1315 SD2 HD2](#) establishing an enforcement special fund where money collected from violations will be deposited for further enforcement efforts, will go to conference committee.

[SCR 77](#) to conduct an audit of the Division of Boating has until April 9<sup>th</sup> for a WAM public hearing, in order to get to the House for a vote.

[SB 2340 HD1](#) re-establishing the Kaneohe Bay Regional Council is on its way to the Governor's desk for her signature.

[SCR 72](#) & its' companion resolution, [HCR 47](#) to develop 20 acres of Keehi Lagoon waterfront are still moving forward.

Representative Say and Ito's bill, [HB 2737 HD1](#) to sell harbor lands on the south shore of Oahu and Mauna Kea on the Big Island, died in the House when it failed to make 1<sup>st</sup> Crossover.

[HB 2583 SD2](#), making a owner responsible for the costs of impoundment and disposal of his vessel, was given a defective date and will go to conference.

[SB 2646 SD1 HD2](#) establishing surfing reserves around Oahu is moving forward.

And finally, there is the pending matter of [HB 1766 HD2 SD3](#), a carry-over bill, which could not be resolved in conference committee before the end of last session. It allowed commercial operators into both harbors and development in Ala Wai.

There are no more hearings accepting public testimony *for these bills*. When each bill is assigned it's conference committee members, it will be the last chance to influence your legislator(s), many of whom will be seeking re-election this fall – including all House Representatives. (You can find out who represent your interests by putting in your street name on the bottom right of [this page](#).) Face-to-face is best, or at the very least a phone call or email.

These are links to the contact information for [Senators](#) and [Representatives](#).

Please support for your fellow recreational ocean users. And remember courtesy in these contacts is very important.

Ala Wai Slips	Regular Mooring fee per foot without liveaboard	Regular Mooring Fee with <u>current</u> liveaboard fee @ \$5.20/ft LOD	Liveaboard rate @ 3x/ft	Liveaboard rate @ 4x/ft
2010	\$6.36	\$11.56	\$19.08	\$25.44
2011	\$7.05	\$12.25	\$21.15	\$28.20
2012	\$7.74	\$12.94	\$23.22	\$30.96
2013	\$8.43	\$13.63	\$25.29	\$33.72
2014 <i>permits issued after Apr 1, 2010 pay this amount</i>	\$9.14	\$14.34	\$27.42	\$36.56

Keahi Slips	Regular Mooring fee without liveaboard	Regular Mooring Fee with <u>current</u> liveaboard fee @ \$5.20/ft LOD	Liveaboard rate @ 3x/ft	Liveaboard rate @ 4x/ft
2010	\$5.01	\$10.21	\$15.03	\$20.04
2011	\$5.70	\$10.90	\$17.10	\$22.80
2012	\$6.39	\$11.59	\$19.17	\$25.56
2013	\$7.08	\$12.28	\$21.24	\$28.32
2014 <i>permits issued after Apr 1, 2010 pay this amount</i>	\$7.79	\$12.99	\$23.37	\$31.16

Keahi anchorage*	Regular Mooring fee* without liveaboard	Regular Mooring Fee with <u>current</u> liveaboard fee @ \$5.20/ft LOD	Liveaboard rate @ 3x/ft	Liveaboard rate @ 4x/ft
2010 <i>permits issued after Apr 1, 2010 pay this amount</i>	\$4.00	\$9.20	\$12.00	\$16.00

\* These figures are disputable due to a discrepancy in DOBOR policy.

The 2010 Legislative session is scheduled to end April 29<sup>th</sup>.