

COUNCIL OF THE COUNTY OF MAUI

**ECONOMIC DEVELOPMENT, AGRICULTURE,  
AND RECREATION COMMITTEE**

June 18, 2010

**Committee  
Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Economic Development, Agriculture, and Recreation Committee, having met on September 3, 2009, December 3, 2009, and June 3, 2010, makes reference to County Communication No. 09-216, from the Director of Parks and Recreation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO COMMERCIAL OCEAN RECREATIONAL ACTIVITY".

The purposes of the proposed bill are to allow Commercial Ocean Recreational Activity (CORA) permits to be transferred to a spouse, reciprocal beneficiary, or child of the permit holder; to delete the definition of "Ocean recreational activity"; and to insert a definition for "Reciprocal beneficiaries".

Your Committee notes the following existing laws and regulations that apply to CORA permits: Section 13.04.300, Maui County Code (MCC), states, "Permits shall be nontransferable." Section 13.04.290(A), MCC, states, "Permits issued pursuant to this article shall have a duration of up to one year pursuant to standards in applicable rules and shall expire automatically, without notice to the permit holder, on the date specified on the permit." Finally, Section 10-102-11, Administrative Rules of Practice and Procedure of Commercial Ocean Recreational Activity Permits states, "The director may renew a permit for additional one-year periods provided the permittee is in compliance with all applicable rules."

The Director of Parks and Recreation stated that in developing administrative rules to manage the CORA permit process, the Department became aware of a concern presented by some permit holders that death or illness of a permit holder may prevent the permitted business from continuing for the remainder of the permit period. In response, the Department proposed that CORA permits may be transferable on a limited scale to accommodate such unforeseen circumstances and minimize financial harm to the families of the permit holder.

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The Department supported the limited transferability of permits while maintaining that in all other cases, permits shall not be transferable. The Department asserted that this policy ensured that the Department could continue to review all credentials and certifications required of individuals or companies holding such permits, as well as provide an equal opportunity to all qualified members of the public to obtain such permits annually.

Your Committee considered the Department's proposed bill, requests from current permit holders to further expand the transferability provision beyond the limited proposal submitted by the Department, and the current law that states permits shall be nontransferable. Your Committee was not convinced that the current law should be changed at this time.

Your Committee voted 4-0 to recommend filing of the communication. Committee Chair Johnson and members Baisa, Molina, and Pontanilla voted "aye". Vice-Chair Kaho'ohalahala was excused.

Your Economic Development, Agriculture, and Recreation Committee RECOMMENDS that County Communication No. 09-216 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
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JO ANNE JOHNSON, Chair

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