

JAN 25 2006

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# A BILL FOR AN ACT

RELATING TO LEASING OF STATE SUBMERGED LANDS.

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

1           SECTION 1. Section 171-53, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:  
3           (c) The board, with the prior approval of the governor  
4 [~~and the prior authorization of the legislature by concurrent~~  
5 ~~resolution~~], may lease state submerged lands and lands beneath  
6 tidal waters under the terms, conditions, and restrictions  
7 provided in this chapter; provided that the authorization of the  
8 legislature shall not be required for leases issued under  
9 chapter 190D; and provided further that the approval of the  
10 governor and authorization of the legislature shall not be  
11 required for any grant of easement or lease of state submerged  
12 lands or lands beneath tidal waters used for moorings, cables,  
13 pipelines, or noncommercial piers; provided further that this  
14 exemption shall not apply to easements for cables used for  
15 interisland electrical transmission or slurry pipelines used for  
16 transportive materials, mined at sea, or waste products from the  
17 processing of the same.



1           The lease shall provide that the lands shall be reclaimed  
2 at the expense of the lessee. Title to the reclaimed lands  
3 shall remain in the State.

4           SECTION 2. Act 261, Session Laws of Hawaii 2000, as  
5 amended by Act 68, Session Laws of Hawaii 2002, section 2, as  
6 further amended by Act 103, Session Laws of Hawaii 2002, section  
7 1, as further amended by Act 129, Session Laws of Hawaii 2005,  
8 section 2, is amended by amending section 5 to read as follows:

9           "SECTION 5. This Act shall take effect upon its approval;  
10 provided that:

11           (1) The authority granted to the department of land and  
12 natural resources to enter into lease agreements with  
13 owners of private noncommercial piers shall be  
14 repealed on June 30, 2007;

15           (2) The amendments made by sections 1 and 3 of this Act to  
16 the Hawaii Revised Statutes, shall be repealed as of  
17 June 30, 2007, and section 171-53(c), Hawaii Revised  
18 Statutes, shall be reenacted in the form in which it  
19 read on the day prior to the effective date of this  
20 Act[~~7~~], as amended by section 1 of Act \_\_\_\_\_,  
21 Session Laws of Hawaii 2006;



- 1           (3) The amendment made by section 2 of this Act to section
- 2                   171-36(a), which deleted paragraph (9), shall be
- 3                   repealed as of June 30, 2007, and paragraph (9) shall
- 4                   be reenacted in the form in which it read on June 19,
- 5                   2000; and
- 6           (4) Any lease agreement executed pursuant to this Act
- 7                   prior to June 30, 2007, or any lease extension
- 8                   executed thereon after the repeal of this Act, shall
- 9                   remain exempt from section 171-36(a)(9), Hawaii
- 10                  Revised Statutes, after the repeal of this Act."

11           SECTION 3. In printing this Act, the revisor of statutes  
 12 shall insert the appropriate number of this Act in section 2.

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

15           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Handwritten signatures: Leokuan, Bob Hegre, Arnold Ston]*

# SB. NO. 2051

**Report Title:**

Leasing of state submerged lands

**Description:**

Removes prior authorization of the legislature for leasing of state submerged lands.

