

JAN 25 2006

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) (1) The board, with the prior approval of the governor
4 and, except as provided in paragraph (2), the prior
5 authorization of the legislature by concurrent resolution, may
6 lease state submerged lands and lands beneath tidal waters under
7 the terms, conditions, and restrictions provided in this
8 chapter; provided that the authorization of the legislature
9 shall not be required for leases issued under chapter 190D; and
10 provided further that the approval of the governor and
11 authorization of the legislature shall not be required for any
12 grant of easement or lease of state submerged lands or lands
13 beneath tidal waters used for moorings, cables, pipelines, or
14 noncommercial piers; provided further that this exemption shall
15 not apply to easements for cables used for interisland
16 electrical transmission or slurry pipelines used for
17 transportive materials, mined at sea, or waste products from the
18 processing of the same.



1 (2) The requirement of prior authorization of the
2 legislature by concurrent resolution in paragraph (1) with
3 respect to any lease of state submerged lands and lands beneath
4 tidal waters shall not apply to such lands at any exempt harbor.

5 (3) For purposes of paragraph (2), an "exempt harbor" is
6 any of the following small boat harbors: Hale O Lono Harbor (on
7 the island of Molokai), Kahului (on the island of Maui), Keehi
8 Harbor Lagoon (on the island of Oahu), Nawilili Harbor (on the
9 island of Kauai), or [Honokohau Boat Harbor] [Keauhou Boat
10 Harbor] [Kailua-Kona] (on the island of Hawaii).

11 (4) The lease shall provide that the lands shall be
12 reclaimed at the expense of the lessee. Title to the reclaimed
13 lands shall remain in the State.

14 SECTION 2. Act 261, Session Laws of Hawaii 2000, as
15 amended by Act 68, Session Laws of Hawaii 2002, section 2, as
16 further amended by Act 103, Session Laws of Hawaii 2002, section
17 1, as further amended by Act 129, Session Laws of Hawaii 2005,
18 section 2, is amended by amending section 5 to read as follows:

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

21 (1) The authority granted to the department of land and
22 natural resources to enter into lease agreements with



1 owners of private noncommercial piers shall be
2 repealed on June 30, 2007;

3 (2) The amendments made by sections 1 and 3 of this Act to
4 the Hawaii Revised Statutes, shall be repealed as of
5 June 30, 2007, and section 171-53(c), Hawaii Revised
6 Statutes, shall be reenacted in the form in which it
7 read on the day prior to the effective date of this
8 Act[+], as amended by section 1 of Act _____,
9 Session Laws of Hawaii 2006;

10 (3) The amendment made by section 2 of this Act to section
11 171-36(a), which deleted paragraph (9), shall be
12 repealed as of June 30, 2007, and paragraph (9) shall
13 be reenacted in the form in which it read on June 19,
14 2000; and

15 (4) Any lease agreement executed pursuant to this Act
16 prior to June 30, 2007, or any lease extension
17 executed thereon after the repeal of this Act, shall
18 remain exempt from section 171-36(a)(9), Hawaii
19 Revised Statutes, after the repeal of this Act."

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

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

3 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Bob Hogue
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SB. NO. 2853

Report Title:

Leasing of state submerged lands

Description:

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

SB SMO 06-057

