

JAN 26 2011

A BILL FOR AN ACT

RELATING TO SMALL BOAT HARBORS.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources, through its division of boating and
3 ocean recreation, operates and manages twenty one harbors, fifty
4 boat ramps, 2,122 moorings and berths, and nineteen piers spread
5 throughout the various counties of the State. The legislature
6 further finds that these ocean recreation facilities, in light
7 of the present demand, are in short supply and in most cases are
8 in dire need of long overdue repair and maintenance. Some
9 facilities are in such disrepair that they cannot be used and
10 are hazards to public safety.

11 One of these facilities, the Ala Wai boat harbor, has been
12 a recent recipient of some badly needed repair and replacement
13 of floating docks; however, the need for further maintenance
14 remains unfulfilled. In spite of its needs, the Ala Wai boat
15 harbor includes certain assets within its facilities that are
16 under-utilized and if properly developed can potentially
17 generate revenues that can benefit not only its continued
18 improvement and maintenance but also the rest of the facilities



1 now operated by the department of land and natural resources
2 division of boating and ocean recreation.

3 In these times of economic malaise and with the State
4 facing a massive budget deficit over the next biennium, the
5 further decline in the valuable assets of the State's small boat
6 harbors would be a huge loss that the State cannot allow.

7 The purpose of this Act is to authorize the department of
8 land and natural resources to use the request for proposals
9 process to enter into a public-private partnership for the
10 development of portions of Ala Wai boat harbor facilities that
11 are presently under-utilized, to maximize the revenue potential
12 from those facilities.

13 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§200- Ala Wai boat harbor; leases. (a) Any lease of
17 the fast lands or submerged lands of the Ala Wai boat harbor
18 issued pursuant to a request for proposals shall be governed by
19 this section.

20 (b) The fast lands and submerged lands of the Ala Wai boat
21 harbor that may be leased include the following:



1 (1) All fast lands and submerged lands described in the
2 request for qualifications or request for proposals
3 issued by the division of boating and ocean recreation
4 of the department on November 25, 2008;

5 (2) The fast land described as a portion of tax map key:
6 (1) 2-3-37-12, comprised of approximately 112,580
7 square feet, presently used for harbor offices and
8 permitted vehicular parking; and

9 (3) The fast land described as a portion of tax map key:
10 (1) 2-3-37-12, which is a triangular area located
11 Diamond Head of Mole B, presently used for permitted
12 vehicular parking.

13 (b) The permissible uses for leases under this section
14 shall include the following:

15 (1) Office space, including a minimum of two thousand
16 square feet for the use of the division of boating and
17 ocean recreation;

18 (2) Vehicular parking, including parking stalls for the
19 use of the division of boating and ocean recreation;

20 (3) Commercial uses, including restaurants, retail shops,
21 personal services, marine supplies shops, and sundry
22 stores, to be made available to the public;



- 1 (4) Training facilities for ocean recreation and support
- 2 facilities for ocean recreation;
- 3 (5) Vessel fueling facilities;
- 4 (6) Vessel haul-out, repair, and storage facilities; and
- 5 (7) Any and all uses described or referred to in the
- 6 request for qualifications or request for proposals
- 7 issued by the division of boating and ocean recreation
- 8 of the department on November 25, 2008.

9 (c) Notwithstanding chapter 171 and section 190D-33, all
10 revenues from the lease shall be deposited in the boating
11 special fund.

12 (d) Notwithstanding chapters 171 and 190D, the lease of
13 the fast lands and submerged lands of Ala Wai harbor shall be
14 subject to section 200-2.5.

15 (e) Notwithstanding section 171-53, the prior
16 authorization of the legislature by concurrent resolution for
17 the lease of submerged lands shall not be required."

18 SECTION 3. Section 200-2.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"[+]§200-2.5[+] Disposition of state boating facility**
21 **properties.** (a) Notwithstanding any law to the contrary, the
22 board may lease fast lands and submerged lands within an



1 existing state boating facility by public auction, a request for
2 proposals, or by direct negotiation pursuant to section 171-
3 59[7] and chapter 190D, for private development, management, and
4 operation; provided that any lease of fast lands or submerged
5 lands pursuant to a request for proposals shall be subject to
6 the requirements of section 200- (b), (c), and (e) regardless
7 of which boating facility the fast or submerged lands are
8 attached. For the purpose of this section, the term "state
9 boating facility" means a state small boat harbor, launching
10 ramp, offshore mooring, pier, wharf, landing, or any other area
11 under the jurisdiction of the department pursuant to this
12 chapter.

13 (b) The permissible uses under any lease disposed of under
14 this section shall be consistent with the purpose for which the
15 land was set aside by the governor pursuant to section 171-11.
16 Permissible uses may include any use that will complement or
17 support the ocean recreation or maritime activities of state
18 boating facilities.

19 (c) Disposition of public lands of state boating
20 facilities constructed, maintained, and operated in accordance
21 with this chapter shall not exceed a maximum term of fifty-five
22 years.



1 (d) All revenues due to the State derived from leases of
2 state boating facilities shall be deposited in the boating
3 special fund.

4 (e) The department shall adopt rules in accordance with
5 chapter 91 for the purposes of this section."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.
9

INTRODUCED BY: Carol Fub B/R



Report Title:

Ala Wai Boat Harbor; Leases; Submerged Lands; Request for Proposals

Description:

Provides that state fast lands and submerged lands may be leased. Provides for the lease of fast lands and submerged lands of the Ala Wai boat harbor pursuant to requests for proposals.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

