

S.B. NO. 2900

JAN 27 2016

A BILL FOR AN ACT

RELATING TO STATE BOATING FACILITIES.

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

1 SECTION 1. Section 200-2.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Notwithstanding any law to the contrary, the board
4 may lease fast lands and submerged lands within an existing
5 state boating facility by public auction, a request for
6 proposals, or by direct negotiation pursuant to section 171-
7 59 and chapter 190D, for private development, management, and
8 operation[; ~~provided that any lease of fast lands or submerged~~
9 ~~lands pursuant to a request for proposals shall be subject~~
10 ~~to section 200-2.6, regardless to which state boating facility~~
11 ~~the fast or submerged lands are attached.] without prior
12 authorization of the legislature by concurrent resolution
13 pursuant to section 171-53.~~

14 As used in this section, the term "state boating facility"
15 means a state small boat harbor, launching ramp, offshore
16 mooring, pier, wharf, landing, or any other area under the
17 jurisdiction of the department pursuant to this chapter."

1 SECTION 2. Section 200-2.6, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§200-2.6] Ala Wai boat harbor, leases. The fast lands~~
4 ~~and submerged lands of the Ala Wai boat harbor that may be~~
5 ~~leased include the following:~~

- 6 ~~(1) All fast lands and submerged lands described in the~~
7 ~~request for qualifications or request for proposals~~
8 ~~issued by the division of boating and ocean recreation~~
9 ~~of the department on November 25, 2008;~~
- 10 ~~(2) The fast land described as a portion of tax map key:~~
11 ~~(1) 2-3-37-12, composed of approximately 112,580~~
12 ~~square feet, presently used for harbor offices and~~
13 ~~permitted vehicular parking; and~~
- 14 ~~(3) The fast land described as a portion of tax map key:~~
15 ~~(1) 2-3-37-12, which is a triangular area located~~
16 ~~Diamond Head of Mole B, presently used for permitted~~
17 ~~vehicular parking."]~~

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

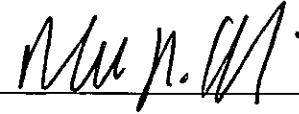
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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "M. N. M.", written over a horizontal line.

4

BY REQUEST

S.B. NO. 2900

Report Title:

State Boating Facilities; Disposition

Description:

Clarifies that the Board of Land and Natural Resources may lease all fast lands and submerged lands within any existing state boating facility without prior authorization of the Legislature by concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes.

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

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO STATE BOATING FACILITIES.

PURPOSE: To clarify that the Board of Land and Natural Resources (Board) may lease all fast lands and submerged lands within any existing state boating facility pursuant to a request for proposals without regard to section 200-2.6, Hawaii Revised Statutes (HRS), without prior authorization of the Legislature by concurrent resolution pursuant to section 171-53, HRS.

MEANS: Amend section 200-2.5(a) and repeal section 200-2.6, HRS.

JUSTIFICATION: The Department operates and manages twenty-one harbors, which includes certain areas that are underused and if properly developed could potentially generate revenues that would enable not only its own continued improvement and maintenance but the improvement and maintenance of the rest of the state small boating facilities. Many of these facilities are in dire need of long overdue repair and maintenance. For safety reasons, it is essential that the Department address these deficiencies in timely fashion.

Currently, section 200-2.5(a), HRS, authorizes the Board to lease "fast lands and submerged lands within an existing state boating facility" by public auction, a request for proposals, or by direct negotiation pursuant to section 171-59, HRS, and chapter 190D, HRS, for private development, management, and operation, provided that any lease of fast lands or submerged lands pursuant to a request for proposals shall be subject to section 200-2.6, HRS, regardless to which state boating

facility the fast or submerged lands are attached. In turn however, section 200-2.6, HRS, only addresses leases of the Ala Wai Boat Harbor. The reference to section 200-2.6, HRS, within section 200-2.5(a), HRS, is ambiguous and confusing.

The requirements of section 171-53, HRS, greatly hinder the ability of the Department to timely confirm leases or dispositions with private parties by adding the additional requirement of legislative approval. Development projects of this size and scope are time sensitive.

The proposed amendments in this measure would: (1) remove the reference to section 200-2.6, HRS, within section 200-2.5, HRS, and also not limit the fast lands and submerged lands of the Ala Wai Boat Harbor that may be leased; and (2) clarify that the Board may lease all fast lands and submerged lands within any existing state boating facility without the prior authorization of the Legislature by concurrent resolution pursuant to section 171-53, HRS.

Impact on the public: The proposed amendments would provide the Department with more flexibility and options to upgrade and improve state boating facilities in timely fashion, to the benefit of boaters.

Impact on the department and other agencies: The proposed amendments would provide the Department with more flexibility and options in managing, maintaining, and improving state boating facilities.

GENERAL FUND: None.
OTHER FUNDS: None.
PPBS PROGRAM DESIGNATION: LNR 801.

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OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.