
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 171-59
7 and chapter 190D, for private development, management,
8 maintenance, and operation[; ~~provided that any lease of fast~~
9 ~~lands or submerged lands pursuant to a request for proposals~~
10 ~~shall be subject to section 200-2.6, regardless to which state~~
11 ~~boating facility the fast or submerged lands are attached].~~

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

16 SECTION 2. Section 200-2.6, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "~~[§]200-2.6[§]~~ **Ala Wai boat harbor; leases.** [~~The fast~~
2 ~~lands and submerged lands of the Ala Wai boat harbor that may be~~
3 ~~leased include the following:~~

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

8 ~~(2) The fast land described as a portion of tax map key:~~
9 ~~(1) 2-3-37-12, composed of approximately 112,580~~
10 ~~square feet, presently used for harbor offices and~~
11 ~~permitted vehicular parking; and~~

12 ~~(3) The fast land described as a portion of tax map key:~~
13 ~~(1) 2-3-37-12, which is a triangular area located~~
14 ~~Diamond Head of Mole B, presently used for permitted~~
15 ~~vehicular parking.] Repealed."~~

16 SECTION 3. (a) There is established a state boating
17 facility lease pilot program within the department of land and
18 natural resources to be implemented and managed by the division
19 of boating and ocean recreation under which the board of land
20 and natural resources shall lease one state small boat harbor in
21 its entirety, including fast lands and submerged lands within



1 it, for private development, management, maintenance, and
2 operation; provided that the lease shall only be issued for a
3 small boat harbor within a county with a population less than
4 nine hundred thousand.

5 (b) The pilot program shall be exempt from the prior
6 legislative authorization required by section 171-60(a), Hawaii
7 Revised Statutes. The lease may be issued by public auction,
8 request for proposals, or direct negotiation.

9 (c) All employees of the division of boating and ocean
10 recreation of the department of land and natural resources who
11 occupy civil service positions and whose functions are replaced
12 as a result of this Act shall retain their civil service status,
13 whether permanent or temporary. Employees shall be reassigned
14 within the division of boating and ocean recreation without loss
15 of salary, seniority (except as prescribed by applicable
16 collective bargaining agreements), retention points, prior
17 service credit, any vacation and sick leave credits previously
18 earned, and other rights, benefits, and privileges in accordance
19 with state personnel laws; provided that subsequent changes in
20 status may be made pursuant to applicable civil service and
21 compensation laws.



1 (d) The department of land and natural resources shall
2 submit a report of its findings and recommendations on the pilot
3 program, including any proposed legislation, to the legislature
4 no later than twenty days prior to the convening of each regular
5 session until the termination of the pilot program. The report
6 shall include a recommendation on whether the pilot program
7 should be continued, modified, or terminated.

8 (e) The state boating facility lease pilot program shall
9 terminate on June 30, 2044.

10 SECTION 4. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 3000;
16 provided that this Act shall be repealed on June 30, 2044, and
17 sections 200-2.5(a) and 200-2.6, Hawaii Revised Statutes, shall
18 be reenacted in the form in which they read on the day prior to
19 the effective date of this Act.



Report Title:

DLNR; State Boating Facility Lease Pilot Program; Ala Wai Boat Harbor; Leases; Repeal

Description:

Establishes a state boating facility lease pilot program within the Department of Land and Natural Resources to lease one state small boat harbor for private development, management, maintenance, and operation in a county with a population of less than 900,000. Repeals provisions related to the leasing of fast lands and submerged lands of the Ala Wai boat harbor. Repeals on 6/30/2044. Effective 7/1/3000. (HD1)

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