

ACT 299

S.B. NO. 752

A Bill for an Act Relating to State Boating Facilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The State's small boat harbors and other boating facilities are important public assets that are constructed, maintained, and operated for the purposes of recreational boating, landing of fish, and commercial vessel activities. They also provide the primary means of public access to the State's ocean waters for fishing and ocean-based recreation by residents and visitors alike.

The cost of operating, maintaining, and managing state small boat harbors and other boating facilities, including the amortization (both principal and interest) of capital improvements, is paid from the boating special fund. The primary sources of these special fund revenues are mooring and other harbor use fees, and other sources such as lease rent and the state marine fuel tax. The state small boat harbors and other boating facilities are centers of recreation and economic activity, and as such, must be managed in a manner that facilitates recreation and commercial activity, and generates sufficient revenue for this purpose.

The legislature finds that the leasing of property within state small boat harbors or other boating facilities may be a viable means to achieve streamlined services, improve facilities, and increase revenues, at a reasonable cost to users. Existing restrictions that limit both the recreational and economic potential of these facilities should be examined and removed where appropriate.

The purpose of this Act is to clarify that leases issued for lands within small boat harbors and other state boating facilities may allow uses, other than maritime-related activities, that complement or support the maritime uses within these facilities, with the revenue derived by the State therefrom deposited into the boating special fund.

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

“§200- Disposition of state boating facility properties. (a) Notwithstanding any law to the contrary, the board may lease fast lands within an existing state boating facility by public auction or by direct negotiation pursuant to section 171-59, for private development, management, and operation. For the purpose of this section, the term “state boating facility” means a state small boat harbor,

launching ramp, off-shore mooring, pier, wharf, landing, or any other area under the jurisdiction of the department pursuant to this chapter.

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

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

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

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 28, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.