
A BILL FOR AN ACT

RELATING TO DISPOSITION WITHIN 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 with the prior authorization of the legislature by concurrent
5 resolution, may lease fast lands and submerged lands within an
6 existing state boating facility by public auction, a request for
7 proposals, or by direct negotiation pursuant to section 171-59
8 and chapter 190D, for private development, management, and
9 operation; provided that ~~[any lease of fast lands or submerged~~
10 ~~lands pursuant to a request for proposals shall be subject to~~
11 ~~section 200-2.6, regardless to which state boating facility the~~
12 ~~fast or submerged lands are attached.]~~ no lease shall be
13 approved by the board unless the board has first found that:

14 (1) The lessee has considered the risk of sea level rise
15 on the area of the land to be leased; and



1 (2) The effect of sea level rise on the area of the land
2 to be leased will be minimal during the term of the
3 lease;
4 provided further that the board may request authorization from
5 the legislature of, and the legislature may authorize, a lease
6 that does not satisfy the criteria under paragraphs (1) and (2)
7 where the board demonstrates the existence of extraordinary
8 circumstances necessitating the lease.

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

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14 repealed.

15 ~~["§200-2.6] Ala Wai boat harbor; leases. The fast lands~~
16 ~~and submerged lands of the Ala Wai boat harbor that may be~~
17 ~~leased include the following:~~

18 ~~(1) All fast lands and submerged lands described in the~~
19 ~~request for qualifications or request for proposals~~
20 ~~issued by the division of boating and ocean recreation~~
21 ~~of the department on November 25, 2008;~~



- 1 ~~(2) The fast land described as a portion of tax map key:~~
2 ~~(1) 2 3 37 12, composed of approximately 112,580~~
3 ~~square feet, presently used for harbor offices and~~
4 ~~permitted vehicular parking, and~~
5 ~~(3) The fast land described as a portion of tax map key:~~
6 ~~(1) 2 3 37 12, which is a triangular area located~~
7 ~~Diamond Head of Mole B, presently used for permitted~~
8 ~~vehicular parking."]~~

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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



Report Title:

State Boating Facilities; Disposition

Description:

Requires the board of land and natural resources to obtain prior authorization of the legislature by concurrent resolution in order to lease any fast lands and submerged lands within any existing state boating facility by public auction, request for proposals, or direct negotiation. Requires the board of land and natural resources to first make a finding regarding certain sea level rise factors and allows legislative authorization for extraordinary circumstances. Repeals fast lands and submerged lands lease requirements specific to Ala Wai Boat Harbor.

(Proposed SD1)

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