

JAN 23 2020

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 any existing state boating facility in part or in its
5 entirety, and fast lands and submerged lands within [an] any
6 existing state boating facility, by public auction, a request
7 for proposals, or by direct negotiation pursuant to section 171-
8 59, 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~~
11 ~~to section 200-2.6, regardless to which state boating facility~~
12 ~~the fast or submerged lands are attached.]~~ prior authorization
13 from the legislature shall not be required for a lease pursuant
14 to this subsection.

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

S.B. NO. 2909

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 Section 200-2.6, Hawaii Revised Statutes, is repealed.

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

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

~~(2) The fast land described as a portion of tax map key:~~

~~(1) 2-3-37-12, composed of approximately 112,580 square feet, presently used for harbor offices and permitted vehicular parking; and~~

~~(3) The fast land described as a portion of tax map key:~~

~~(1) 2-3-37-12, which is a triangular area located Diamond Head of Mole B, presently used for permitted vehicular parking."]~~

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

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 Statutory material to be repealed is bracketed and stricken.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

S.B. NO. 2109

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

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 2909

Report Title:

State Boating Facilities; Disposition

Description:

Authorizes the Board of Land and Natural Resources to lease any existing state boating facility in part or in its entirety, and fast lands and submerged lands within any existing state boating facility, by public auction, request for proposals, or direct negotiation for private development, management, and operation. Clarifies that legislative approval is not required to award a lease. Repeals fast lands and submerged lands lease authorization for Ala Wai Boat Harbor under section 200-2.6, 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

SB. NO. 2909

DEPARTMENT: Land and Natural Resources

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

PURPOSE: To authorize the Board of Land and Natural Resources (Board) to lease any existing state boating facility in part or in its entirety, and fast lands and submerged lands within any existing state boating facility, by public auction, request for proposals, or direct negotiation for private development, management, and operation; to clarify that legislative approval is not required to award a lease; and to repeal fast lands and submerged lands lease authorization for Ala Wai Boat Harbor under section 200-2.6, Hawaii Revised Statutes (HRS).

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

JUSTIFICATION: The Department is exploring potential public-private partnerships for management of state small boat harbors and boating facilities as a way to preserve coastal resources and provide a method of ensuring timely maintenance and repairs to small boat harbors and boating facilities. This bill would authorize the Board to lease any existing state boating facility in part or in its entirety, and fast lands and submerged lands within any existing state boating facility, by public auction, request for proposals, or direct negotiation for private development, management, and operation.

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. This proposal seeks to remove the reference to section 200-2.6, HRS, within section 200-2.5, HRS, to not limit the fast lands and submerged lands of the Ala Wai Boat Harbor that may be leased.

Impact on the public: This bill would provide the Department with more flexibility and options to upgrade and improve state boating facilities to the benefit of boaters.

Impact on the department and other agencies: This bill 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.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.