

ACT 199

H.B. NO. 1590

A Bill for an Act Relating to the Environment.

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

SECTION 1. The purpose of this Act is to help preserve and protect our environment, especially with respect to submerged lands and lands beneath tidal waters, by requiring prior legislative authorization for the leasing and development of such lands.

SECTION 2. Section 171-53, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The board, with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution, may lease submerged lands, and lands beneath tidal waters which it deems are suitable for reclamation, under the terms, conditions, and restrictions provided in this chapter. The lease shall provide that the lands shall be reclaimed at the expense of the lessee. Title to the reclaimed lands shall remain in the State.”

SECTION 3. Section 171-60† Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Leasehold projects. Notwithstanding anything in this chapter to the contrary, the board may, by negotiation and without recourse to public auction, with the prior approval of the governor and authorization of the legislature by concurrent resolution approving a development project, (1) lease public lands, including submerged lands to be reclaimed at the developer’s or developers’ expense, to a

†Probably should read “171-60”.

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private developer or developers, or (2) enter into a development agreement with a private developer or developers, for development and subdivision of such public lands as a leasehold project for agricultural, industrial, single-family or multiple-family residential, commercial, business or hotel and resort uses, as provided in this subsection.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved June 18, 1981.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.