

JAN 24 2013

A BILL FOR AN ACT

RELATING TO BANYAN DRIVE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Pursuant to section 264-2, Hawaii Revised
2 Statutes, by executive order the governor is authorized to turn
3 over in fee simple Banyan Drive located in Hilo to the county of
4 Hawaii.

5 SECTION 2. Upon execution of an executive order by the
6 governor, the jurisdiction, functions, powers, duties, and
7 authority heretofore exercised by the department of land and
8 natural resources relating to Banyan Drive located in the county
9 of Hawaii shall be transferred to and conferred to the county of
10 Hawaii by this Act.

11 The county of Hawaii shall succeed to all of the rights and
12 powers previously exercised, and all the duties and obligations
13 incurred by the department of land and natural resources in the
14 exercise of the functions, powers, duties, and authority
15 transferred, whether such functions, powers, duties, and
16 authority are mentioned in or granted by law, contract, or other
17 document.



1 SECTION 3. For purposes of this Act, specific provisions
2 relating to public lands under chapter 171, Hawaii Revised
3 Statutes, that apply to Banyan Drive shall be deemed to apply to
4 the county of Hawaii.

5 SECTION 4. Concurrent with the transfer of jurisdiction
6 over Banyan Drive to the county of Hawaii, all rights, powers,
7 functions, and duties of the department of land and natural
8 resources with respect to Banyan Drive shall be transferred to
9 the county of Hawaii.

10 SECTION 5. Concurrent with the transfer of jurisdiction
11 over Banyan Drive to the county of Hawaii, all appropriations,
12 records, equipment, machines, files, supplies, contracts, books,
13 papers, documents, maps, and other personal property heretofore
14 made, used, acquired, or held by the department of land and
15 natural resources to the functions transferred to the county of
16 Hawaii shall be transferred with the functions to which they
17 relate.

18 SECTION 6. (a) Concurrent with the transfer of
19 jurisdiction over Banyan Drive to the county of Hawaii, the
20 department of land and natural resources shall transfer to the
21 county of Hawaii all federal aid to the State that is to be used
22 for highway maintenance, operation, repair, construction, or



1 other uses on Banyan Drive. The department of land and natural
2 resources shall do all things necessary to ensure that federal
3 aid to the State is transferred to Hawaii county as appropriate
4 for the use by the county of Hawaii under this Act, and that no
5 federal funds are lost or jeopardized for this use.

6 (b) It is the intent of this Act not to jeopardize the
7 receipt of any federal aid nor to impair the obligation of the
8 State or the county of Hawaii, or any agency respectively
9 thereof, to the holders of any bond issued by the State or by
10 any such agency, and to the extent, and only to the extent,
11 necessary to effectuate this intent, the governor or mayor of
12 the county of Hawaii, as applicable, may modify the strict
13 provisions of this Act, but shall promptly report any such
14 modification with reasons therefore to the legislature at its
15 next session thereafter for review by the legislature.

16 SECTION 7. Article VIII, section 5, of the Hawaii State
17 Constitution, relating to state funding of mandated programs to
18 the counties, shall be deemed satisfied by the transfer of state
19 appropriations and federal funds from the State to the county of
20 Hawaii under this Act; provided that the county of Hawaii may
21 request the legislature to appropriate additional funds as
22 necessary from time to time to implement this Act.



1 SECTION 8. This Act shall take effect on January 1, 2014.

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INTRODUCED BY: Malene [Signature]

[Signature]



S.B. NO. 1361

Report Title:

Banyan Drive; County of Hawaii; Transfer

Description:

Requires, upon execution of an executive order by the governor, Banyan Drive in Hilo to be turned over by the department of land and natural resources to the county of Hawaii on 1/1/14.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

