

JAN 18 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 state department of
8 transportation relating to banyan drive located in the county of
9 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 state department of transportation 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 state highway functions under chapter 264, Hawaii
3 Revised Statutes, that apply to banyan drive shall be deemed to
4 apply to 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 state department of transportation
8 with respect to banyan drive shall be transferred to the county
9 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 state department of
15 transportation relating to the functions transferred to the
16 county of Hawaii shall be transferred with the functions to
17 which they relate.

18 SECTION 6. (a) Concurrent with the transfer of
19 jurisdiction over banyan drive to the county of Hawaii, the
20 state director of transportation shall transfer to the county of
21 Hawaii all federal aid to the State that is to be used for
22 highway maintenance, operation, repair, construction, or other



1 uses on banyan drive. The state department of transportation
2 shall do all things necessary to ensure that federal aid to the
3 State is transferred to Hawaii county as appropriate for the use
4 by the county of Hawaii for state highways transferred to the
5 county of Hawaii under this Act, and that no federal funds are
6 lost or jeopardized for this use.

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

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




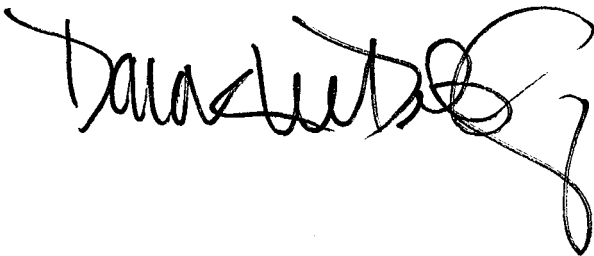
S.B. NO.



1 request the legislature to appropriate additional funds as
2 necessary from time to time to implement this Act.

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

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INTRODUCED BY:



S.B. NO. 495

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 transportation 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.

