

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO HAPUNA BEACH PARK.

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

1           SECTION 1. The State shall transfer in fee simple Hapuna  
2 beach park to the county of Hawaii.

3           For purposes of this Act, the legislature finds that  
4 section 171-64.7, Hawaii Revised Statutes, does not apply. That  
5 section requires the department of land and natural resources to  
6 submit a concurrent resolution to the legislature for review of  
7 a sale or gift of land that it proposes. The transfer of Hapuna  
8 beach park to the county of Hawaii is not proposed by the  
9 department of land and natural resources; rather, this Act is a  
10 mandate imposed by the legislature upon the department.

11           SECTION 2. The jurisdiction, functions, powers, duties,  
12 and authority heretofore exercised by the department of land and  
13 natural resources relating to Hapuna beach park located in the  
14 county of Hawaii shall be transferred to and conferred to the  
15 county of Hawaii by this Act.

16           The county of Hawaii shall succeed to all of the rights and  
17 powers previously exercised, and all the duties and obligations  
18 incurred by the department of land and natural resources in the



1 exercise of the functions, powers, duties, and authority  
2 transferred, whether such functions, powers, duties, and  
3 authority are mentioned in or granted by law, contract, or other  
4 documents.

5 SECTION 3. For purposes of this Act, specific provisions  
6 relating to public lands under chapter 171, Hawaii Revised  
7 Statutes, that apply to Hapuna beach park shall be deemed to  
8 apply to the county of Hawaii.

9 SECTION 4. Concurrent with the transfer of jurisdiction  
10 over Hapuna beach park to the county of Hawaii, all rights,  
11 powers, functions, liabilities, claims, and duties of the  
12 department of land and natural resources with respect to Hapuna  
13 beach park shall be transferred to the county of Hawaii.

14 SECTION 5. Concurrent with the transfer of jurisdiction of  
15 Hapuna beach park to the county of Hawaii, all appropriations,  
16 records, equipment, machines, files, supplies, contracts, books,  
17 papers, documents, maps, and other personal property heretofore  
18 made, used, acquired, or held by the department of land and  
19 natural resources relating to the functions transferred to the  
20 county of Hawaii shall be transferred with the functions to  
21 which they relate.



1           SECTION 6. (a) Concurrent with the transfer of  
2 jurisdiction of Hapuna beach park to the county of Hawaii, the  
3 department of land and natural resources shall transfer to the  
4 county of Hawaii all state appropriations that are used for  
5 maintenance, operation, repair, construction, or other uses in  
6 Hapuna beach park.

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 county of Hawaii, or any agency respectively thereof,  
10 to the holders of any bond issued by the State or by any such  
11 agency, and to the extent, and only to the extent, necessary to  
12 effectuate this intent, the governor or mayor of the county of  
13 Hawaii, as applicable, may modify the strict provisions of this  
14 Act, but shall promptly report any such modification with  
15 reasons therefore to the legislature at its next session  
16 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



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: Malena J. ...  
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# S.B. NO. 457

**Report Title:**

Hapuna Beach Park; Transfer to County of Hawaii

**Description:**

Transfers in fee simple Hapuna beach park to the county of Hawaii on 1/1/2014.

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

