
A BILL FOR AN ACT

RELATING TO BANYAN DRIVE.

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

1 SECTION 1. The State shall transfer in fee simple certain
2 properties located near or adjacent to Banyan Drive, as
3 identified in section 2 of this Act, to the county of Hawaii.

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

13 SECTION 2. The jurisdiction, functions, powers, duties,
14 and authority heretofore exercised by the department of land and
15 natural resources relating to properties located near or
16 adjacent to Banyan Drive to the county of Hawaii, shall be
17 transferred to and conferred to the county of Hawaii by this
18 Act. The properties are identified as follows:



General Lease No.	Lessee	Tax Map Key: 3rd/	Area	Annual Rent	Lease Termination Date	Rental Reopening
3029	Reeds Bay Resort Hotel Ltd.	2-1-5:22	1.19 ac.	\$23,860	3/14/2015	N/A
3265	Hilo Bay Hotel Inc.	2-1-5:33	.586 ac.	\$11,460	3/14/2015	N/A
3266	Hilo Bay Hotel Inc.	2-1-5:34	.531 ac.	\$10,380	3/14/2015	N/A
3267	Hilo Bay Hotel Inc.	2-1-5:35	.495 ac.	\$9,660	3/14/2015	N/A
3269	Country Club-Hawaii, Inc.	2-1-5:20	1.166 ac.	\$49,000	3/14/2015	N/A
3961	Hilo Hawaiian Associates	2-1-3:05	5.00 ac.	\$133,200	4/14/2031	4/15/2016
4786	Hilo Trading Company Ltd.	2-1-3:08	.97 ac.	\$20,580	3/22/2037	3/23/2017
5018	Bayview Banyan Corp.	2-1-5:21	1.091 ac.	\$43,500	5/18/2032	5/19/2022
5844	Hawaii Outdoor Tours, Inc.	2-1-1:12; 2-1-5:13, 16, 17, 27, 32 & 46	Hotel 6.35 ac. Golf Course 62.576 ac.	\$500,000	1/31/2071	2/01/2036

1 SECTION 3. The county of Hawaii shall succeed to all of
2 the rights and powers previously exercised, and all the duties
3 and obligations incurred by the department of land and natural
4 resources in the exercise of the functions, powers, duties, and



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

4 SECTION 4. For purposes of this Act, specific provisions
5 relating to public lands under chapter 171, Hawaii Revised
6 Statutes, that apply to the properties identified in section 2
7 of this Act shall be deemed to apply to the county of Hawaii.

8 SECTION 5. Concurrent with the transfer of jurisdiction
9 over the properties identified in section 2 of this Act to the
10 county of Hawaii, all rights, powers, functions, and duties of
11 the department of land and natural resources with respect to the
12 properties identified in section 2 of this Act shall be
13 transferred to the county of Hawaii.

14 SECTION 6. Concurrent with the transfer of jurisdiction
15 over the properties identified in section 2 of this Act to the
16 county of Hawaii, all appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the department of land and natural
20 resources to the functions transferred to the county of Hawaii
21 shall be transferred with the functions to which they relate.



1 SECTION 7. (a) Concurrent with the transfer of
2 jurisdiction over Banyan Drive to the county of Hawaii, the
3 department of land and natural resources shall transfer to the
4 county of Hawaii all federal aid to the State that is to be used
5 for highway maintenance, operation, repair, construction, or
6 other uses on the properties identified in section 2 of this
7 Act. The department of land and natural resources shall do all
8 things necessary to ensure that federal aid to the State is
9 transferred to Hawaii county as appropriate for the use by the
10 county of Hawaii under this Act, and that no federal funds are
11 lost or jeopardized for this use.

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



1 SECTION 8. Article VIII, section 5, of the Hawaii State
2 Constitution, relating to state funding of mandated programs to
3 the counties, shall be deemed satisfied by the transfer of state
4 appropriations and federal funds from the State to the county of
5 Hawaii under this Act; provided that the county of Hawaii may
6 request the legislature to appropriate additional funds as
7 necessary from time to time to implement this Act.

8 SECTION 9. This Act shall take effect on January 1, 2014.

9



Report Title:

Banyan Drive; County of Hawaii; Transfer

Description:

Requires by legislative mandate that certain specified properties associated with Banyan Drive in Hilo be turned over by the department of land and natural resources to the county of Hawaii on 1/1/14. (SD1)

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

