

JAN 18 2013

A BILL FOR AN ACT

RELATING TO MAUNA KEA STATE RECREATIONAL AREA.

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

1 SECTION 1. The State shall transfer in fee simple Mauna
2 Kea state recreational area 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 Mauna
8 Kea state recreation area to the county of Hawaii is not
9 proposed by the department of land and natural resources;
10 rather, this Act is a mandate imposed by the legislature upon
11 the department.

12 SECTION 2. The jurisdiction, functions, powers, duties,
13 and authority heretofore exercised by the department of land and
14 natural resources relating to Mauna Kea state recreational area
15 located in the county of Hawaii shall be transferred to and
16 conferred to the county of Hawaii by this Act.

17 The county of Hawaii shall succeed to all of the rights and
18 powers previously exercised, and all the duties and obligations



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

6 SECTION 3. For purposes of this Act, specific provisions
7 relating to public lands under chapter 171, Hawaii Revised
8 Statutes, that apply to Mauna Kea state recreational area shall
9 be deemed to apply to the county of Hawaii.

10 SECTION 4. Concurrent with the transfer of jurisdiction
11 over Mauna Kea state recreational area to the county of Hawaii,
12 all rights, powers, functions, liabilities, claims, and duties
13 of the department of land and natural resources with respect to
14 Mauna Kea state recreational area shall be transferred to the
15 county of Hawaii.

16 SECTION 5. Concurrent with the transfer of jurisdiction of
17 Mauna Kea state recreational area to the county of Hawaii, all
18 appropriations, records, equipment, machines, files, supplies,
19 contracts, books, papers, documents, maps, and other personal
20 property heretofore made, used, acquired, or held by the
21 department of land and natural resources relating to the



1 functions transferred to the county of Hawaii shall be
2 transferred with the functions to which they relate.

3 SECTION 6. (a) Concurrent with the transfer of
4 jurisdiction of Mauna Kea state recreational area to the county
5 of Hawaii, the department of land and natural resources shall
6 transfer to the county of Hawaii all state appropriations that
7 are used for maintenance, operation, repair, construction, or
8 other uses in Mauna Kea state recreational area.

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

19 SECTION 7. Article VIII, section 5, of the Hawaii State
20 Constitution, relating to state funding of mandated programs to
21 the counties, shall be deemed satisfied by the transfer of state
22 appropriations and federal funds from the State to the county of



1 Hawaii under this Act; provided that the county of Hawaii may
2 request the legislature to appropriate additional funds as
3 necessary from time to time to implement this Act.

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

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INTRODUCED BY:

Melane Jones
Yileen K. K. K.
Malik

[Signature]



S.B. NO. 456

Report Title:

Mauna Kea State Recreational Area; Transfer to the County of Hawaii

Description:

Transfers in fee simple Mauna Kea state recreational area to the county of Hawaii on 1/1/2014.

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