

ACT 37

H. B. 499.

A Bill for an Act to Amend Item 3(c), Subsection B, Section 1, of Act 201, Session Laws of Hawaii 1963, as Amended by Act 31, Session Laws of Hawaii 1964.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION —. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The improvements to Kuhio Beach will obviously affect shoreline boundaries of not only those private properties bounded by Kuhio Beach and the Royal Hawaiian Hotel but also those private properties along the entire length of Waikiki Beach from the Elks Club at one end to Duke Kahanamoku Beach on the other.

The attorney general should be given authorization to negotiate with the owners of all private properties along Waikiki Beach to fix the shoreline boundaries of said private properties so that no accretion will accrue thereto as a result of said improvements. The proposed amendment herein to Act 201, Session Laws of Hawaii 1963, as amended, by Act 31, Session Laws of Hawaii 1964, is immediately necessary in order that the much needed improvements to Kuhio Beach may proceed without further delay.

SECTION 1. Purpose. Item 3(c), subsection B, section 1, of Act 201, Session Laws of Hawaii 1963, as amended by Act 31, Session Laws of Hawaii 1964, hereinafter called "Act 201", authorizes \$540,000 for improvements to Kuhio Beach, Honolulu, between the Kapahulu storm drain

and Waikiki Beach Center. Act 201 provides that the improvements shall not be constructed until the owners of at least two-thirds of the private property between the Diamond Head boundary of Kuhio Beach and the Ewa boundary of Royal Hawaiian Hotel enter into agreements with the State of Hawaii to fix the shoreline boundaries of their properties so that no accretion to such private properties shall accrue.

Agreements have been entered into by the State and all of the owners of such properties in accordance with the mandate mentioned above. However, construction of improvements to Kuhio Beach may affect the shoreline boundaries of properties other than those within the designated boundaries and, therefore, the attorney general should be authorized to negotiate for agreements fixing shoreline boundaries with owners of all properties along Waikiki Beach from the Diamond Head boundary of Elks Club to the Ewa boundary of Duke Kahanamoku Beach and to condemn the littoral rights where owners do not enter into such agreements.

SECTION 2. Item 3(c), subsection B, section 1, of Act 201, Session Laws of Hawaii 1963, as amended by Act 31, Session Laws of Hawaii 1964, is amended to read as follows:

“c. Kuhio Beach Improvements, Honolulu \$540,000.

Rehabilitate existing beach between Kapahulu storm drain and the Waikiki Beach Center in accordance with federally approved plans.

The attorney general shall, where necessary, negotiate with the owners of properties along Waikiki Beach located between the Diamond Head boundary of Elks Club and the Ewa boundary of Duke Kahanamoku Beach for agreements to fix the boundaries of their properties so that no accretion shall accrue except as may be provided in the agreements. The attorney general shall draft the agreements including such terms, covenants and conditions as he deems necessary. Any agreement shall not be binding except upon the approval of the governor. The attorney general may condemn, when necessary, the littoral rights of owners who refuse to enter into the agreements and whose properties may enjoy accretion because of the project, using the funds appropriated under this Act.”

SECTION 3. This Act shall take effect upon its approval.

(Approved May 7, 1968.)