

ACT 335

S.B. NO. 1765

A Bill for an Act Relating to Transfer of Parks Between the State and the Counties.

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

SECTION 1. The purpose of this Act is to enable the transfer of park lands between the State and the counties, including the transfer of related improvements, personnel, equipment, and other resources.

SECTION 2. Section 184-3, Hawaii Revised Statutes, is amended to read as follows:

**“§184-3 Powers of department.** The department of land and natural resources, in addition to the other powers herein granted, for the purpose of performing its duties and functions may:

- (1) Acquire land in the name of the State or any estate, right, or interest therein or appurtenance thereto, by agreement, gift, devise, lease, or condemnation in accordance with chapter 101, and the department of accounting and general services shall assist the department of land and natural resources therein, at its request, and assign thereto state officers and employees under its supervision for the making of surveys, abstracts, and otherwise as may be of assistance, without reimbursement for such services;
- (2) Receive gifts, bequests, or contributions of money or other property;
- (3) Accept such condition imposed upon any gift or devise of land, money, or other property as may be acceptable to the department and not inconsistent with the proper discharge of its duties and functions;

- (4) Accept transfers and conveyances of rights and titles vested in the United States government to land and buildings within this State, or lease the same under such conditions as the government of the United States may impose;
- (5) Make expenditures from funds available for the care, supervision, improvement, development, and protection of the state park system;
- (6) Construct and operate suitable public services, facilities, and conveniences on any land under its jurisdiction and control, with power to charge and collect reasonable fees for the use of the same, or in its discretion, enter into contracts, leases, or licenses for the construction or operation of any services, facilities, or conveniences on any land under its jurisdiction and control upon such terms and conditions as are deemed by it to be in the public interest, including in the area covered by the contract, lease, or license the amount of land deemed by it to be reasonably necessary to the success of the undertaking;
- (7) Acquire, by condemnation or otherwise, rights appurtenant to abutting property for light, air, and access, whenever necessary or proper for the establishment, development, improvement, or extension of any parkway;
- (8) Cooperate with counties, and other political subdivisions and agencies of the State, and with the states and with the United States government in matters relating to planning, establishing, developing, improving, or maintaining any park, parkway, or recreational area[.];
- (9) Accept from a county, park lands which may include related improvements, personnel, equipment, and functions; and
- (10) Transfer to a county, park lands which may include related improvements, personnel, equipment, and functions."

SECTION 3. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§46- Exchange of park property.** The counties may accept from or transfer to the State, park lands, which may include related improvements, personnel, equipment, and functions."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored<sup>1</sup>.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 26, 1987.)

**Note**

1. Edited pursuant to HRS §23G-16.5.