

ACT 313

H.B. NO. 3982

A Bill for an Act Relating to Diamond Head.

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

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1992-1993 to be exceeded by \$100,000, or 0.0032 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. Diamond Head Crater is recognized as a natural landmark by the federal government and a state monument by the State of Hawaii. The Diamond Head State Monument Plan of 1979 outlined a state policy of establishing a semi-wilderness park in Diamond Head Crater.

The purpose of this Act is to implement the Diamond Head State Monument Plan of 1979 by including additional lands within the Diamond Head State Monument area, requiring conformance to the plan, and funding improvements to the Diamond Head trail system in the Diamond Head State Monument area.

SECTION 3. Section 6E-32, Hawaii Revised Statutes, is amended to read as follows:

**“§6E-32 Diamond Head State Monument.** (a) There shall be a Diamond Head State Monument as [an] a historical site on Oahu to be administered by the department of land and natural resources, and to consist of [such] those lands [as] that the department considers essential to the unimpaired preservation of the visual and historic aspects of Diamond Head and [such] those state lands [as] more fully described in this section [as] that may be best used for recreational purposes and to increase public access and enjoyment of the monument.

(b) All state lands within and adjacent to the monument shall be returned to the department for inclusion within the monument, including, but not limited to, lands identified by Tax Map Key Numbers 3-1-42:6, 8, 10, 14, 15, 16, 17, 21, 23, 24, [and] 25, [except for land upon which is situated a structure in active use for the purposes originally disposed of.] 37, and 38 and 3-1-35:22 and 23. The Na Laau Hawaii arboretum and parcels A, B, C, and D as described in Executive Order No. 2000 dated April 9, 1962, establishing the Diamond Head State Monument, shall be included within the boundaries of the Diamond Head State Monument."

SECTION 4. The Diamond Head State Monument Plan, adopted by the board of land and natural resources in November of 1979, shall serve as the official document setting forth the future direction of the Diamond Head State Monument.

The board of land and natural resources may amend the monument plan from time to time with the review and recommendations of the Diamond Head citizen advisory committee, organized in October of 1977.

SECTION 5. Notwithstanding any other law, including county ordinances, to the contrary, no expansion of buildings and other structures and no construction activity shall take place within the boundaries of the Diamond Head State Monument; provided that the board of land and natural resources may permit improvement projects that are consistent with the Diamond Head State Monument Plan of 1979 to take place.

SECTION 6. So much of the transfer effected pursuant to Act 138, Laws of the Territory of Hawaii 1913, from the State to the city and county of Honolulu, as relates to the transfer of the Honolulu water and sewer works at the abandoned reservoir parcels identified by Tax Map Key Number 3-1-35:22 and 23, shall be withdrawn from the operation of Act 138. The right, title, and interest of the city and county of Honolulu relating to the abandoned reservoir site identified by Tax Map Key Number 3-1-35:22 and 23, appurtenant to the water and sewer works, shall revert to and be vested in the State.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary for fiscal year 1992-1993, for improvements to the Diamond Head trail system in the Diamond Head State Monument area; provided that the improvements shall conform to the Diamond Head State Monument Plan of 1979.

SECTION 8. The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 1992.

(Approved June 30, 1992.)