"(f) Water systems in the exclusive control of the department shall remain under its exclusive control[.]; provided that the department may negotiate an agreement to provide for the maintenance of the water system and the billing and collection of user fees. If any provision or the application of [such] that provision is inconsistent with [the provision] provisions contained [herein,] in this section, this section shall control.

Water systems include all real and personal property together with all improvements to such systems acquired or constructed by the department for the distribution and control of [such] water for domestic or agricultural use."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved April 16, 1984.)

**ACT 37** 

H.B. NO. 2195-84

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as Amended.

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

SECTION 1. The purpose of this Act is to provide all native Hawaiians with access to licenses for lots in which lands are leased to theaters, garages, service stations, markets, stores, and other mercantile establishments. Presently, only lessees of the department or organizations formed and controlled by lessees are eligible to receive such licenses. Native Hawaiians who are not lessees are therefore restricted under present provisions. It is the intent that through this amendment all native Hawaiians would be eligible to receive licenses issued under this program.

SECTION 2. Section 207 of the Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (c) to read:

"(c)(1) The department is authorized to grant licenses as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like. The department is also authorized to grant licenses for lots within a district in which lands are leased under the provisions of this section<sup>1</sup> [to:] for:

(A) Churches, hospitals, public schools, post offices, and other improve-

ments for public purposes; and

(B) Theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by [lessees of the

trol of the department shall d that the department may nance of the water system and rovision or the application of rovision] provisions contained

nal property together with all structed by the department for domestic or agricultural use."

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H.B. NO. 2195-84

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vaiian Homes Commission Act, subsection (c) to read:

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, post offices, and other improve-

ns, markets, stores, and other ll be owned by [lessees of the

department] <u>native Hawaiians</u> or by organizations formed and controlled by [said lessees] <u>native Hawaiians</u>).

- (2) The department is also authorized, with the approval of the governor, to grant licenses to the United States for terms not to exceed five years, for reservations, roads, and other rights-of-way, water storage and distribution facilities, and practice target ranges; provided that any such license may be extended from time to time by the department, with the approval of the governor, for additional terms of three years.
- (3) Any license issued under this subsection shall be subject to such terms, conditions, and restrictions as the department shall determine and shall not restrict the areas required by the department in carrying on its duties, nor interfere in any way with the department's operation or maintenance activities,"

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 16, 1984.)

Note

1. Prior to amendment "," appeared here.

ACT 38

S.B. NO. 139

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. Subject to the governor of the State and the mayor of the city and county of Honolulu entering into a written agreement providing for the transfer, the estate, right, title, and interest, and any appurtenance thereto, of the State relating to Honolulu Stadium State Park, Sans Souci State Recreation Area, and Aina Moana State Recreation Area shall be vested in the city and county of Honolulu, and the estate, right, title, and interest, and any appurtenance thereto, of the city and county of Honolulu relating to Kawainui Marsh, Kahana Bay Beach Park, Hanauma Bay, Kuilei Cliffs/Diamond Head Beach Park shall be vested in the State.

SECTION 2. No personnel or equipment shall be included in the transfer authorized by Section 1 of this Act.

No officer or employee of the State or county having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other