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## A BILL FOR AN ACT

RELATING TO KAHANA VALLEY.

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

1           SECTION 1. Act 5, session laws of Hawaii 1987, set aside a  
2           portion of public lands in Kahana valley, Oahu, tax map key: (1)  
3           5-2-01: 1, 5-2-02: all parcels, and 5-2-05: 1 and 21, and  
4           authorized the department of land and natural resources to  
5           negotiate and enter into long-term residential leases with  
6           persons who:

7           (1) At the time of the enactment of the Act, resided on  
8           the set aside lands and have occupied those lands  
9           since 1970; or

10          (2) On the effective date of the Act had permits issued by  
11          the department of land and natural resources allowing  
12          them to reside on designated parcels on the set aside  
13          lands.

14          One provision of the long-term residential leases required  
15          all qualified lessees to agree to be an essential part of the  
16          interpretive programs in the Kahana valley state park, as  
17          directed by the department of land and natural resources.



1           Eventually, thirty-one original families qualified for the  
2 long-term residential leases. However, descendants of six  
3 families that did not originally qualify for long-term  
4 residential leases remained in the valley. The department of  
5 land and natural resources, relying on the opinion of the  
6 attorney general, recently started eviction actions against  
7 these six families.

8           The purpose of this Act is to transfer the jurisdiction of  
9 the lands set aside for the long-term residential leases from  
10 the department of land and natural resources to the office of  
11 Hawaiian affairs and to direct the office of Hawaiian affairs to  
12 assist the six families facing eviction with obtaining long-term  
13 residential leases if these six families qualify under the  
14 original requirements of Act 5.

15           SECTION 2. (a) The department of land and natural  
16 resources is directed to transfer tax map key: (1) 5-2-01: 1, 5-  
17 2-02, all parcels, and 5-2-05: 1 and 21 to the office of  
18 Hawaiian affairs.

19           (b) The office of Hawaiian affairs is directed to assume  
20 management authority over the lands transferred by this Act, in  
21 accordance with the requirements of Act 5, session laws of  
22 Hawaii 1987. The office of Hawaiian affairs is further directed



1 to assist six families residing in Kahana valley, now facing  
2 eviction, to obtain long-term residential leases to the lands  
3 that they presently occupy or have recently occupied, so long as  
4 they meet the original requirements of Act 5 as qualified  
5 lessees.

6 SECTION 3. All rights, powers, functions, and duties of  
7 the department of land and natural resources relating to the  
8 lands that are being transferred pursuant to this Act are  
9 transferred to the office of Hawaiian affairs.

10 All officers and employees whose functions are transferred  
11 by this Act shall be transferred with their functions and shall  
12 continue to perform their regular duties upon their transfer,  
13 subject to the state personnel laws and this Act.

14 No officer or employee of the State having tenure shall  
15 suffer any loss of salary, seniority, prior service credit,  
16 vacation, sick leave, or other employee benefit or privilege as  
17 a consequence of this Act, and such officer or employee may be  
18 transferred or appointed to a civil service position without the  
19 necessity of examination; provided that the officer or employee  
20 possesses the minimum qualifications for the position to which  
21 transferred or appointed; and provided that subsequent changes



1 in status may be made pursuant to applicable civil service and  
2 compensation laws.

3 An officer or employee of the State who does not have  
4 tenure and who may be transferred or appointed to a civil  
5 service position as a consequence of this Act shall become a  
6 civil service employee without the loss of salary, seniority,  
7 prior service credit, vacation, sick leave, or other employee  
8 benefits or privileges and without the necessity of examination;  
9 provided that such officer or employee possesses the minimum  
10 qualifications for the position to which transferred or  
11 appointed.

12 If an office or position held by an officer or employee  
13 having tenure is abolished, the officer or employee shall not  
14 thereby be separated from public employment, but shall remain in  
15 the employment of the State with the same pay and classification  
16 and shall be transferred to some other office or position for  
17 which the officer or employee is eligible under the personnel  
18 laws of the State as determined by the head of the department or  
19 the governor.

20 SECTION 4. All appropriations, records, equipment,  
21 machines, files, supplies, contracts, books, papers, documents,  
22 maps, and other personal property heretofore made, used,



1 acquired, or held by the department of land and natural  
2 resources relating to the functions transferred to the office of  
3 Hawaiian affairs pursuant to this Act shall be transferred with  
4 the functions to which they relate.

5 SECTION 5. All rules, policies, procedures, guidelines,  
6 and other material adopted or developed by the department of  
7 land and natural resources to implement provisions of the Hawaii  
8 Revised Statutes which are reenacted or made applicable to the  
9 department of land and natural resources by this Act, shall  
10 remain in full force and effect until amended or repealed by the  
11 office of Hawaiian affairs pursuant to chapter 91, Hawaii  
12 Revised Statutes. In the interim, every reference to the  
13 department of land and natural resources or director of  
14 department of land and natural resources in those rules,  
15 policies, procedures, guidelines, and other material is amended  
16 to refer to the office of Hawaiian affairs or director of the  
17 office of Hawaiian affairs as appropriate.

18 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Jessica Wooley*  
JAN 23 2009



**Report Title:**

Office of Hawaiian Affairs; State Parks; Kahana Valley

**Description:**

Transfers jurisdiction and management authority of a portion of Kanaha Valley from department of land and natural resources, Parks Division, to office of Hawaiian affairs.

