
A BILL FOR AN ACT

RELATING TO STATE PARKS.

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

1 SECTION 1. Act 5, Session Laws of Hawaii 1987, as amended
2 by Act 238, Session Laws of Hawaii 1988, as amended by Act 23,
3 Session Laws of Hawaii 1989, as amended by Act 106, Session Laws
4 of Hawaii 1991, as amended by Act 58, Session Laws of Hawaii
5 1992, as amended by Act 177, Session Laws of Hawaii 1993, set
6 aside a portion of public lands in Kahana valley, Oahu, tax map
7 key: (1) 5-2-01: 1, 5-2-02: all parcels, and 5-2-05: 1 and 21,
8 and authorized the department of land and natural resources to
9 negotiate and enter into long-term residential leases with
10 persons who:

11 (1) On April 13, 1987, resided on the set aside lands and
12 have occupied those lands since 1970; or

13 (2) On April 13, 1987, had permits issued by the
14 department of land and natural resources allowing them
15 to reside on designated parcels on the set aside
16 lands.

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

5 Eventually, thirty-one original families qualified for the
6 long-term residential leases. However, descendants of six
7 families that did not originally qualify for long-term
8 residential leases remained in the valley. The department of
9 land and natural resources recently started eviction actions
10 against these six families.

11 The purpose of this Act is to transfer jurisdiction and
12 management of Kahana valley from the department of land and
13 natural resources to the office of Hawaiian affairs and to
14 direct the office of Hawaiian affairs to assist the six families
15 facing eviction with obtaining long-term residential leases if
16 these six families qualify under the original requirements of
17 Act 5, Session Laws of Hawaii 1987, as amended.

18 SECTION 2. (a) The department of land and natural
19 resources is directed to transfer tax map key: (1) 5-2-01: 1,
20 5-2-02, all parcels, and 5-2-05: 1, 3, and 21 to the office of
21 Hawaiian affairs.

1 (b) The office of Hawaiian affairs is directed to assume
2 jurisdiction and management over the lands transferred by this
3 Act, in accordance with the requirements of Act 5, Session Laws
4 of Hawaii 1987, as amended by Act 238, Session Laws of Hawaii
5 1988, as amended by Act 23, Session Laws of Hawaii 1989, as
6 amended by Act 106, Session Laws of Hawaii 1991, as amended by
7 Act 58, Session Laws of Hawaii 1992, as amended by Act 177,
8 Session Laws of Hawaii 1993. The office of Hawaiian affairs is
9 further directed to assist six families residing in Kahana
10 valley, now facing eviction, in obtaining long-term residential
11 leases to the lands that they presently occupy or have recently
12 occupied, provided they meet the original requirements of Act 5,
13 Session Laws of Hawaii 1987, as qualified lessees.

14 SECTION 3. All rights, powers, functions, and duties of
15 the department of land and natural resources relating to the
16 lands that are being transferred pursuant to this Act are
17 transferred to the office of Hawaiian affairs.

18 SECTION 4. All appropriations, records, equipment,
19 machines, files, supplies, contracts, books, papers, documents,
20 maps, and other personal property heretofore made, used,
21 acquired, or held by the department of land and natural
22 resources relating to the functions transferred to the office of

1 Hawaiian affairs pursuant to this Act shall be transferred with
2 the functions to which they relate.

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

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

Report Title:

Office of Hawaiian Affairs; State Parks; Kahana Valley

Description:

Transfers jurisdiction and management of Kahana valley from the department of land and natural resources, parks division, to the office of Hawaiian affairs. (SD1)