
A BILL FOR AN ACT

RELATING TO WAIAHOLE AND WAIKANE VALLEYS.

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

1 Part I

2 SECTION 1. Chapter 206E, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§206E- Lands of the Waiahole and Waikane valleys. The
6 authority shall have powers specified under section 206E-4 over
7 lands comprising the Waiahole and Waikane valleys and leases on
8 those lands, as provided in Act 330, Session Laws of Hawaii
9 1993, as amended by Act , Session Laws of Hawaii 2011."

10 SECTION 2. Act 330, Session Laws of Hawaii 1993, is
11 amended to read as follows:

12 "SECTION 1. The Hawaii housing finance and development
13 corporation [~~HFDC~~] is developing an agricultural park and low-
14 density residential development on approximately six hundred
15 acres of land in Waiahole Valley on the island of Oahu. [~~HFDC~~]
16 The Hawaii housing finance and development corporation holds
17 title to this land. The purpose of this park and development is
18 to provide long-term affordable rental housing for tenants in



1 Waiahole and Waikane valleys who were threatened with eviction
2 during the 1970s, to promote diversified agriculture, and to
3 preserve the rural lifestyle of the valleys.

4 There are ten parcels abutting the [~~HFDC~~] Hawaii housing
5 finance and development corporation property under control of
6 the department of land and natural resources [~~(DLNR)~~]. These
7 lands are farmed by the tenants, who are a part of the wider
8 Waiahole-Waikane community. [~~Combining these lots with the HFDC~~
9 ~~property~~] Transferring jurisdiction over these parcels and
10 other lands comprising the Waiahole and Waikane valleys from the
11 Hawaii housing finance and development corporation and the
12 department of land and natural resources to the Hawaii community
13 development authority on July 1, 2011 would promote the master
14 planning of diversified agriculture in Waiahole, make government
15 functions more efficient by having one state agency overseeing
16 the area, and help bring the community together.

17 The purpose of this Act is to transfer title to these ten
18 parcels of land [~~to HFDC~~] and other lands comprising the
19 Waiahole and Waikane valleys from the Hawaii housing finance and
20 development corporation and the department of land and natural
21 resources to the Hawaii community development authority so that



1 ~~[they]~~ the parcels may be consolidated in the Waiahole
2 agricultural park.

3 SECTION 2. (a) The following parcels of land are ~~[hereby]~~
4 transferred from ~~[DLNR to HFDC:]~~ the Hawaii housing finance and
5 development corporation to the Hawaii community development
6 authority:

7	Tax map key number	Lot size
8	4-8-01:19	3.0 acres
9	4-8-07:07	2.0 acres
10	4-8-07:06	2.0 acres
11	4-8-01:20	3.5 acres
12	4-8-07:03	17.0 acres
13	4-8-07:09	4.0 acres
14	4-8-07:08	2.0 acres
15	4-8-07:10	5.0 acres
16	4-8-07:11	62.5 acres
17	4-8-07:12	5.0 acres

18 (b) All other lands comprising the Waiahole and Waikane
19 valleys are transferred from the department of land and natural
20 resources to the Hawaii community development authority.

21 (c) The transfer from the Hawaii housing finance and
22 development corporation and the department of land and natural



1 resources, as applicable, to the Hawaii community development
2 authority shall be effective [~~immediately and DLNR~~] on July 1,
3 2011. The Hawaii housing finance and development corporation or
4 the department of land and natural resources, as appropriate,
5 shall be responsible for properly documenting the change in
6 title.

7 SECTION 3. (a) Upon taking title to the above-listed
8 parcels [~~HFDC~~] the Hawaii community development authority shall
9 immediately offer new leases to those persons who hold revocable
10 permits to the parcels [~~from DLNR~~] as of [~~the effective date of~~
11 this Act] July 1, 2011, and those lessees who have not
12 negotiated new leases with the Hawaii housing finance and
13 development corporation as of the July 1, 2011. The leases
14 shall be negotiated and shall be on the same terms as leases
15 offered to all other persons leasing parcels from [~~HFDC~~] the
16 Hawaii housing finance and development corporation within the
17 Waiahole agricultural park.

18 (b) Leases in effect as of July 1, 2011 with the Hawaii
19 housing finance and development corporation shall be transferred
20 to the Hawaii community development authority.

21 SECTION 4. This Act shall take effect upon its
22 approval[-]; provided that the amendments made to this Act by



1 Act , Session Laws of Hawaii 2011, shall take effect on
2 July 1, 2011."

3 SECTION 3. Any eviction proceedings with regard to any of
4 the lots affected by this Act shall be stayed pending the
5 disposition of new leases pursuant to this Act.

6 SECTION 4. All deeds, leases, permits, appropriations,
7 records, equipment, machines, files, supplies, contracts, books,
8 papers, documents, maps, and other personal property heretofore
9 made, used, acquired, or held by the Hawaii housing finance and
10 development corporation relating to the functions transferred to
11 the Hawaii community development authority shall be transferred
12 with the functions to which they relate.

13 SECTION 5. All rights, powers, functions, and duties of
14 the Hawaii housing finance and development corporation with
15 respect to Waiahole and Waikane valleys are transferred to the
16 Hawaii community development authority.

17 All officers and employees whose functions are transferred
18 by this Act shall be transferred with their functions and shall
19 continue to perform their regular duties upon their transfer,
20 subject to the state personnel laws and this Act.

21 No officer or employee of the State having tenure shall
22 suffer any loss of salary, seniority, prior service credit,



1 vacation, sick leave, or other employee benefit or privilege as
2 a consequence of this Act, and such officer or employee may be
3 transferred or appointed to a civil service position without the
4 necessity of examination; provided that the officer or employee
5 possesses the minimum qualifications for the position to which
6 transferred or appointed; and provided that subsequent changes
7 in status may be made pursuant to applicable civil service and
8 compensation laws.

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

18 If an office or position held by an officer or employee
19 having tenure is abolished, the officer or employee shall not
20 thereby be separated from public employment, but shall remain in
21 the employment of the State with the same pay and classification
22 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel
2 laws of the State as determined by the head of the department or
3 the governor.

4 SECTION 6. For purposes of article III, section 14, of the
5 Hawaii state constitution, Waiahole valley shall be deemed to
6 include the related Waikane valley, which together form the
7 greater area commonly referred to as Waiahole-Waikane.

8 **Part II**

9 SECTION 7. Section 205-44.5, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) Notwithstanding any law to the contrary, before
13 December 31, 2009, the department of agriculture and the
14 department of land and natural resources shall collaborate to
15 identify public lands as defined under section 171-2 that should
16 be designated important agricultural lands as defined in section
17 205-42 and shall cause to be prepared maps delineating those
18 lands. In making the designations, the departments shall use
19 the standards and criteria of section 205-44[-]; provided that
20 the lands comprising Waiahole valley on Oahu are hereby
21 designated important agricultural lands. For purposes of this
22 section, Waiahole valley shall be deemed to include the related



1 Waikane valley, which together form the greater area commonly
2 referred to as Waiahole-Waikane."

3 2. By amending subsection (c) to read:

4 "(c) Notwithstanding any law to the contrary, beginning
5 January 1, 2010, after receipt of the maps of public lands
6 identified as important agricultural lands pursuant to
7 subsection (a), the commission shall designate the public lands
8 as important agricultural lands and adopt the maps of those
9 public lands[-]; provided that the lands comprising Waiahole
10 valley on Oahu are hereby designated important agricultural
11 lands. Upon designation, the public lands shall be subject to
12 this chapter."

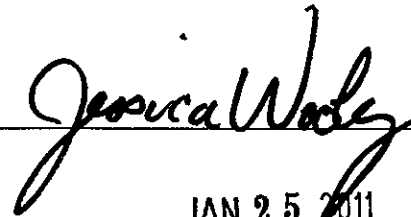
13 **Part III**

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on July 1, 2011;
17 provided that section 3 shall take effect upon the approval of
18 this Act.

19

INTRODUCED BY:



JAN 25 2011



Report Title:

Waiahole-Waikane Valley

Description:

Transfers jurisdiction of Waiahole-Waikane valley and leases therein from the Hawaii housing finance and development corporation to the Hawaii community development authority. Designates lands in Waiahole valley as important agricultural lands.

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