

JAN 18 2013

A BILL FOR AN ACT

RELATING TO THE KAHO'OLAWA ISLAND RESERVE.

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

1 SECTION 1. Section 6K-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~+~~§6K-1~~+~~ **Administration of chapter.** The Kaho'olawe
4 island reserve commission and the ~~[department of land and~~
5 ~~natural resources]~~ office of hawaiian affairs shall administer
6 this chapter."

7 SECTION 2. Section 6K-2, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding a new definition to be appropriately inserted
10 and to read:

11 "Office" means the office of Hawaiian affairs."

12 2. By deleting the definition of "department".

13 [~~"Department" means the department of land and natural~~
14 ~~resources."~~]

15 SECTION 3. Section 6K-5, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:



1 "(a) There is established the Kaho'olawe island reserve
2 commission to be placed [~~within~~] under the [~~department of land~~
3 ~~and natural resources~~] office of hawaiian affairs for
4 administrative purposes as provided in section 26-35. The
5 commission shall consist of seven members to be appointed in the
6 manner and to serve for the terms provided in section 26-34;
7 provided that:

8 (1) One member shall be a member of the Protect Kaho'olawe
9 Ohana;

10 (2) Two members shall be appointed by the governor from a
11 list provided by the Protect Kaho'olawe Ohana;

12 (3) One member shall be a trustee or representative of the
13 office of Hawaiian affairs;

14 (4) One member shall be a county official appointed by the
15 governor from a list provided by the mayor of the
16 county of Maui;

17 (5) One member shall be the chairperson of the board of
18 land and natural resources; and

19 (6) One member shall be appointed by the governor from a
20 list provided by native Hawaiian organizations."

21 SECTION 4. Section 6K-8.6, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "~~§~~6K-8.6~~§~~ **Administrative violation system.** With the
2 mutual consent of [~~both~~] the commission, the office, and the
3 department~~[-]~~ of land and natural resources, the commission may
4 use the civil natural resource violations system of the
5 department of land and natural resources; provided that the
6 commission shall act whenever the board of land and natural
7 resources is authorized to act, to process violations of chapter
8 6K or any rules adopted thereunder."

9 SECTION 5. Section 10-6, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The general duties of the board shall be:

12 (1) To develop and continually update a strategic plan for
13 the office that shall include, but not be limited to,
14 the following:

15 (A) Compilation of basic demographic data on native
16 Hawaiians and Hawaiians;

17 (B) Identification of the physical, sociological,
18 psychological, and economic needs of native
19 Hawaiians and Hawaiians;

20 (C) Establishment of long-range goals for the
21 office's programs and services for native
22 Hawaiians and Hawaiians;



1 (D) Establishment of priorities and alternatives for
2 the office's program and service implementation;
3 and

4 (E) Organization of the office's administrative and
5 program structure, including the use of
6 facilities and personnel;

7 (2) To assist in the development of state and county
8 agency plans for native Hawaiian and Hawaiian programs
9 and services;

10 (3) To maintain an inventory of federal, state, county,
11 and private programs and services for Hawaiians and
12 native Hawaiians and act as a clearinghouse and
13 referral agency;

14 (4) To advise and inform federal, state, and county
15 officials about native Hawaiian and Hawaiian programs,
16 and coordinate federal, state, and county activities
17 relating to native Hawaiians and Hawaiians;

18 (5) To conduct, encourage, and maintain research relating
19 to native Hawaiians and Hawaiians;

20 (6) To develop and review models for comprehensive native
21 Hawaiian and Hawaiian programs;



- 1 (7) To act as a clearinghouse for applications for federal
- 2 or state assistance to carry out native Hawaiian or
- 3 Hawaiian programs or projects;
- 4 (8) To apply for, accept and administer any federal funds
- 5 made available or allotted under any federal act for
- 6 native Hawaiians or Hawaiians; [~~and~~]
- 7 (9) To promote and assist the establishment of agencies to
- 8 serve native Hawaiians and Hawaiians[~~-~~]; and
- 9 (10) To administer, together with the Kaho'olawe island
- 10 reserve commission, chapter 6K and have and exercise
- 11 all the rights, powers, and duties of the department
- 12 of land and natural resources for the Kaho'olawe island
- 13 reserve prior to transfer of the department's
- 14 administrative duties to the office pursuant to Act
- 15 , Session Laws of Hawaii 2013."

16 SECTION 6. Sections 6K-4, 6K-6, 6K-8.5, and 6K-9.5, Hawaii
17 Revised Statutes, are amended by substituting the word "office"
18 wherever the word "department" appears, as the context requires.

19 SECTION 7. All rights, powers, functions, and duties of
20 the department of land and natural resources relating to the
21 administration of chapter 6K, Hawaii Revised Statutes, except



1 section 6K-8.6, Hawaii Revised Statutes, are transferred to the
2 office of Hawaiian affairs.

3 All officers and employees whose functions are transferred
4 by this Act shall be transferred with their functions and shall
5 continue to perform their regular duties upon their transfer,
6 subject to the state personnel laws and this Act.

7 No officer or employee of the State having tenure shall
8 suffer any loss of salary, seniority, prior service credit,
9 vacation, sick leave, or other employee benefit or privilege as
10 a consequence of this Act, and such officer or employee may be
11 transferred or appointed to a civil service position without the
12 necessity of examination; provided that the officer or employee
13 possesses the minimum qualifications for the position to which
14 transferred or appointed; and provided that subsequent changes
15 in status may be made pursuant to applicable civil service and
16 compensation laws.

17 An officer or employee of the State who does not have
18 tenure and who may be transferred or appointed to a civil
19 service position as a consequence of this Act shall become a
20 civil service employee without the loss of salary, seniority,
21 prior service credit, vacation, sick leave, or other employee
22 benefits or privileges and without the necessity of examination;



1 provided that such officer or employee possesses the minimum
2 qualifications for the position to which transferred or
3 appointed.

4 If an office or position held by an officer or employee
5 having tenure is abolished, the officer or employee shall not
6 thereby be separated from public employment, but shall remain in
7 the employment of the State with the same pay and classification
8 and shall be transferred to some other office or position for
9 which the officer or employee is eligible under the personnel
10 laws of the State as determined by the head of the department or
11 the governor.

12 SECTION 8. All appropriations, records, equipment,
13 machines, files, supplies, contracts, books, papers, documents,
14 maps, and other personal property heretofore made, used,
15 acquired, or held by the department of land and natural
16 resources relating to the functions transferred to the office of
17 Hawaiian affairs shall be transferred with the functions to
18 which they relate.

19 SECTION 9. The balance of all moneys in the Kaho'olawe
20 rehabilitation trust fund shall be transferred from the
21 administration by the department of land and natural resources
22 to the office of Hawaiian affairs on July 1, 2013.



S.B. NO. 450

1 SECTION 10. In codifying this Act, the revisor shall
2 insert the Act number of this Act in section 5 of this Act.

3 SECTION 11. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 12. This Act shall take effect on July 1, 2013.

6

INTRODUCED BY: Malena Pena

~~Michael J. ...~~
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S.B. NO. 450

Report Title:

Kaho'olawe Island Reserve; Office of Hawaiian Affairs

Description:

Transfers administrative duties of the department of land and natural resources for the Kaho'olawe Island Reserve to the office of Hawaiian affairs.

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