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# A BILL FOR AN ACT

RELATING TO THE KAHO'OLAWA ISLAND RESERVE COMMISSION.

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

1           SECTION 1. The legislature has historically found that the  
2 island of Kaho'olawe has significant cultural and historical  
3 importance to the native people of Hawaii. The Kaho'olawe island  
4 reserve commission was established to effectively address the  
5 unique challenges of preserving, restoring, and determining the  
6 appropriate use of Kaho'olawe.

7           The Kaho'olawe island reserve commission is primarily funded  
8 by the Kaho'olawe rehabilitation trust fund that was created  
9 during the federal cleanup of unexploded ordnance on Kaho'olawe.  
10 The federal appropriation of approximately \$44,000,000 over a  
11 seven-year period, while considerable, was insufficient to  
12 establish a sustainable endowment for the long term operation of  
13 the Kaho'olawe island reserve commission's operations. In a 1993  
14 report to congress, it was envisioned that in the long term, the  
15 State would provide the funding to continue and enhance the  
16 activities initiated by federal funding.



1           In 2004, the management and control of Kaho'olawe was  
2 transferred from the Navy to the State. The Kaho'olawe island  
3 reserve commission was designated as the state agency  
4 responsible for the use and restoration of Kaho'olawe.

5           A 2013 report by the office of the auditor found that the  
6 Kaho'olawe rehabilitation trust fund will be depleted by 2016 and  
7 secondly, that the Kaho'olawe island reserve commission lacked a  
8 comprehensive and quantifiable restoration plan with performance  
9 measures to determine whether objectives were being met. In  
10 response, the Kaho'olawe island reserve commission began holding  
11 numerous meetings and working groups on all islands that  
12 resulted in the issuance of a community based strategic plan for  
13 Kaho'olawe entitled "I Ola Kanaloa".

14           Without additional funding the Kaho'olawe island reserve  
15 commission will be financially unable to continue its management  
16 of the Kaho'olawe island reserve beyond the 2015-2016 fiscal  
17 year. The legislature finds that it is important to continue  
18 the programs of the Kaho'olawe island reserve commission.

19           The purpose of this Act is to:



1           (1) Authorize the Kaho‘olawe island reserve to be used for  
 2           limited revenue-generating activities, as permitted by  
 3           the Kaho‘olawe island reserve commission, to support  
 4           the rehabilitation and environmental restoration of  
 5           the island reserve, among other purposes;

6           (2) Require the Kaho‘olawe island reserve commission to  
 7           submit a financial self-sufficiency and sustainability  
 8           plan to the legislature and

9           (3) Appropriate funds to the Kaho‘olawe island reserve  
 10          commission to effectively meet the unique challenges  
 11          of managing, restoring, and preserving the appropriate  
 12          and safe uses of the Kaho‘olawe island reserve for the  
 13          people of Hawaii.

14          SECTION 2. Section 6K-3, Hawaii Revised Statutes, is  
 15          amended to read as follows:

16          "~~6K-3~~ **Reservation of uses.** (a) The Kaho‘olawe  
 17          island reserve shall be used solely and exclusively for the  
 18          following purposes:

19               (1) Preservation and practice of all rights customarily  
 20               and traditionally exercised by native Hawaiians for  
 21               cultural, spiritual, and subsistence purposes;



- 1 (2) Preservation and protection of its archaeological,
- 2 historical, and environmental resources;
- 3 (3) Rehabilitation, revegetation, habitat restoration, and
- 4 preservation; [and]
- 5 (4) Education[-]; and
- 6 (5) Limited revenue-generating activities, as permitted by
- 7 the commission pursuant to rules adopted in accordance
- 8 with section 6K-6(9), for the purpose of supporting
- 9 the rehabilitation and environmental restoration of
- 10 the island reserve, and other purposes consistent with
- 11 this chapter.

12 (b) The island shall be reserved in perpetuity for the  
 13 uses enumerated in subsection (a). Commercial uses shall be  
 14 strictly prohibited[-], except as authorized pursuant to  
 15 subsection (a) (5)."

16 SECTION 3. Section 6K-9.5, Hawaii Revised Statutes, is  
 17 amended by amending subsection (a) to read as follows:

18 "(a) There is created in the state treasury a trust fund  
 19 to be designated as the Kaho'olawe rehabilitation trust fund to  
 20 be administered by the department with the prior approval of the  
 21 commission. Subject to Public Law 103-139, and this chapter:



- 1 (1) All moneys received from the federal government for  
2 the rehabilitation and environmental restoration of  
3 the island of Kaho'olawe or other purposes consistent  
4 with this chapter;
- 5 (2) Any moneys generated by activities permitted pursuant  
6 to section 6K-3(a)(5);
- 7 [~~2~~] (3) Any moneys appropriated by the legislature to the  
8 trust fund;
- 9 [~~3~~] (4) Any moneys received from grants, donations, or  
10 the proceeds from contributions; and
- 11 [~~4~~] (5) The interest or return on investments earned from  
12 moneys in the trust fund,  
13 shall be deposited in the trust fund and shall be used to  
14 fulfill the purposes of this chapter."

15 SECTION 4. The Kaho'olawe island reserve commission shall  
16 submit a financial self-sufficiency and sustainability plan,  
17 including any proposed legislation, to the legislature no later  
18 than twenty days prior to the convening of the regular session  
19 of 2016.

20 SECTION 5. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2015-2016 for  
2 the management, restoration, and preservation of the Kaho'olawe  
3 island reserve.

4 The sum appropriated shall be expended by the Kaho'olawe  
5 island reserve commission for the purposes of this Act.

6 SECTION 6. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2050;  
9 provided that section 5 of this Act shall take effect on July 1,  
10 2050.



**Report Title:**

Kaho'olawe Island Reserve Commission; Use; Appropriation; Report

**Description:**

Authorizes limited revenue-generating activities within the Kaho'olawe island reserve. Appropriates moneys to the Kaho'olawe island reserve commission for the management, restoration, and preservation of the Kaho'olawe island reserve. Requires the Kaho'olawe island reserve commission to submit a financial self-sufficiency and sustainability plan to the legislature.

Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

