

ACT 5

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H.B. NO. 1494

A Bill for an Act Relating to Public Lands.

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Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds that Kahana Valley State Park possesses unique historical and natural resources and persons long associated with Kahana Valley who are knowledgeable and qualified to interpret for the general public the significance of these resources for the public's benefit and enjoyment. Accordingly, the purpose of this Act is to authorize the department of land and natural resources to directly issue long-term residential leases to those qualified persons now residing in Kahana Valley on the condition that these qualified persons participate in Kahana Valley State Park's interpretive programs for the public.

SECTION 2. The department of land and natural resources is hereby authorized to negotiate and enter into long-term residential leases not to exceed sixty-five years in duration with persons who meet the following criteria:

- (1) Persons who at the time of enactment of this Act reside in Kahana Valley on land acquired for Kahana Valley State Park and have lived continuously on this land since before 1970; or
- (2) Persons who on the effective date of this Act have permits issued by the department of land and natural resources allowing them to reside on designated parcels of land acquired for Kahana Valley State Park.

SECTION 3. In exchange for the State's long-term leases, all qualified persons shall agree to be an essential part of the interpretive programs in Kahana Valley State Park as directed by the department of land and natural resources. The department of land and natural resources is required to establish a monitoring system and enforcement mechanism to insure compliance with these agreements.

SECTION 4. The lands eligible for long-term residential lease negotiations under the provisions of this Act are limited to those located in tax map key parcels 5-2-01:1, 5-2-02:all, and 5-2-05:1 and 21, situate at Kahana Valley and as further determined by the board of land and natural resources.

SECTION 5. The department of land and natural resources is authorized to subdivide and provide for the creation of a residential subdivision in Kahana Valley for persons who receive long-term leases under the provisions of this Act, which shall be exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to zoning and construction standards for subdivisions, the development and improvement of land, and the construction of units thereon; provided that the department of land and natural resources finds the project is consistent with the findings and purpose of this Act and the project meets minimum requirements of health and safety; and provided further that no state funds shall be expended in the relocation or construction of these residences authorized under the provisions of this Act.

SECTION 6. Notwithstanding any other law to the contrary, including chapter 171, Hawaii Revised Statutes, the department of land and natural resources is authorized to negotiate and enter into lease agreements in accordance with the provisions and limitations of this Act; provided that the authority granted by this Act shall expire (1) when leases have been negotiated and recorded in the bureau of conveyances for all parcels meeting the criteria in this Act, or (2) on January 1, 1992, whichever occurs first.

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SECTION 7. This Act shall take effect upon its approval.

(Approved April 13, 1987.)