

ACT 126

H.B. NO. 144

A Bill for an Act Relating to Kaho‘olawe Island Reserve.

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

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

“§6K-6 Responsibilities and duties of the commission. The general administration of the island reserve shall rest with the commission. In carrying out its duties and responsibilities, the commission:

- (1) Shall establish criteria, policies, and controls for permissible uses within the island reserve;
- (2) Shall approve all contracts for services and rules pertaining to the island reserve;
- (3) Shall provide advice to the governor, the department, and other departments and agencies on any matter relating to the island reserve;
- (4) Shall provide advice to the office of planning and the department of the attorney general on any matter relating to the federal conveyance of Kaho‘olawe;
- (5) May enter into curator or stewardship agreements with appropriate Hawaiian cultural and spiritual community organizations for the perpetuation of native Hawaiian cultural, religious, and subsistence customs, beliefs, and practices for the purposes stated in section 6K-3;
- (6) Shall carry out those powers and duties otherwise conferred upon the board of land and natural resources and the land use commission with regard to dispositions and approvals pertaining to the island reserve. All powers and duties of the board of land and natural resources and the land use commission concerning dispositions and approvals pertaining to the island reserve are transferred to the commission;
- (7) Shall carry out those powers and duties concerning the island reserve otherwise conferred upon the county of Maui by chapter 205A. The powers and duties of the county of Maui and its agencies concerning coastal zone dispositions and approvals pertaining to the island reserve are transferred to the commission;

- (8) Shall carry out those powers and duties concerning the island reserve otherwise conferred upon the island burial councils and the department with regard to proper treatment of burial sites and human skeletal remains found in the island reserve;
- (9) Shall adopt rules in accordance with chapter 91 that are necessary for the purposes of this chapter and shall maintain a record of its proceedings and actions; ~~and~~
- (10) May delegate to the executive director or employees of the commission, by formal commission action, such power and authority vested in the commission by this chapter as the commission deems reasonable and proper for the effective administration of this chapter~~[-]; and~~
- (11) May solicit and accept grants, donations, and contributions for deposit into the Kaho'olawe rehabilitation trust fund to support the purposes of this chapter."

SECTION 2. Section 6K-9.5, Hawaii Revised Statutes, is amended to read as follows:

~~"[§6K-9.5]~~ **Rehabilitation Kaho'olawe rehabilitation trust fund.** (a) There is created in the state treasury a trust fund to be designated as the Kaho'olawe rehabilitation trust fund to be administered by the department with the prior approval of the commission. Subject to Public Law 103-139, and this chapter~~[-, and]~~:

- (1) All moneys received from the federal government for the rehabilitation and environmental restoration of the island of Kaho'olawe~~[-, any]~~ or other purposes consistent with this chapter;
- (2) Any moneys appropriated by the legislature to the trust fund~~[-];~~
- (3) Any moneys received from grants, donations, or the proceeds from contributions; and ~~the~~
- (4) The interest or return on investments earned from moneys in the trust fund,

shall be deposited in the trust fund and shall be used to fulfill the purposes of this chapter.

(b) The commission may use moneys in the trust fund to carry out the purposes of this chapter, including hiring employees, specialists, and consultants necessary to complete projects related to the purposes of this chapter.

(c) Moneys deposited into or appropriated to the trust fund shall remain available until they are obligated or until the trust fund is ~~[repealed-]~~ terminated.

(d) ~~[The trust fund shall be repealed on July 1, 2005. The commission shall transfer to the credit of the state general fund, all unexpended or unencumbered balances remaining in the trust fund prior to June 30, 2005;] If the trust fund is terminated, all funds shall be transferred to the general fund; provided that all unexpended or unencumbered balances [of federal moneys] shall be disbursed in accordance with [applicable federal law-] any requirements set by funding sources and for purposes consistent with this chapter.~~

(e) The commission shall submit an annual report on the status of the Kaho'olawe rehabilitation trust fund to the legislature, no later than twenty days prior to the convening of each regular session of the legislature. The annual report shall include the total number of and amount of grants, donations, and contributions received and balances remaining on June 30 of each year."

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

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SECTION 4. This Act shall take effect upon its approval.

(Approved May 22, 2001.)