
A BILL FOR AN ACT

RELATING TO THE KAHO'OLAWE ISLAND RESERVE.

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

1 SECTION 1. The Kaho'olawe island reserve commission is
2 funded predominantly by a dwindling trust fund created in 1994
3 during the federal unexploded ordnance cleanup of Kaho'olawe.
4 This federal appropriation, totaling \$44,000,000 over a period
5 of several years, even though considerable, was not substantial
6 enough to establish a sustainable endowment for the long-term
7 restoration of Kaho'olawe.

8 As stated in the federally-mandated Kaho'olawe island
9 conveyance commission final report to Congress in 1993, "in the
10 short term, federal funds will provide the bulk of the program
11 support for specific soil conservation projects and related
12 activities. In the longer term, however, state revenues will be
13 needed to continue and enhance those activities initiated with
14 federal funds". For the past sixteen years, the initial federal
15 funding has allowed the Kaho'olawe island reserve commission to
16 establish many of its innovative programs that emphasize
17 ancestral and traditional knowledge, utilize a cultural approach



1 of respect and connectivity to the environment, and integrate
2 ancient and modern resource management techniques.

3 The purpose of this Act is to:

- 4 (1) Eliminate the Kaho'olawe island reserve commission's
5 oversight of the department of land and natural
6 resources and instead place the commission and other
7 departments and agencies of the State under the
8 oversight of the department of land and natural
9 resources with regard to the control and management of
10 the island reserve;
- 11 (2) Provide that the commission and other state agencies
12 shall be subject to the oversight of the department
13 with regard to the control and management of the
14 island reserve; and
- 15 (3) Direct the deposit of a percentage of the conveyance
16 tax into the Kaho'olawe rehabilitation trust fund to
17 provide a continuous source of state funding for the
18 rehabilitation and maintenance of the Kaho'olawe island
19 reserve.

20 SECTION 2. Section 6K-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§6K-4 Powers and duties.** The [~~department~~] commission and
2 other departments and agencies of the State shall be subject to
3 the oversight of the [~~commission~~] department with regard to the
4 control and management of the island reserve. Subject to
5 section 6K-6, the department shall:

- 6 (1) Implement controls and permitted uses for the island
7 reserve;
- 8 (2) Enforce this chapter;
- 9 (3) Provide administrative support to the commission; and
- 10 (4) Authorize those of its employees as it deems
11 reasonable and necessary to serve and execute warrants
12 and arrest offenders or issue citations in all matters
13 relating to enforcement of the laws and rules
14 applicable to the island reserve."

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

17 "**§6K-6 Responsibilities and duties of the commission.** The
18 general administration of the island reserve shall rest with the
19 commission[+]; provided that the department shall have oversight
20 of the control and management of the island reserve pursuant to
21 section 6K-4. In carrying out its duties and responsibilities,
22 the commission:



- 1 (1) Shall establish criteria, policies, and controls for
2 permissible uses within the island reserve;
- 3 (2) Shall approve all contracts for services and rules
4 pertaining to the island reserve;
- 5 (3) Shall provide advice to the governor, the department,
6 and other departments and agencies on any matter
7 relating to the island reserve;
- 8 (4) Shall provide advice to the office of planning and the
9 department of the attorney general on any matter
10 relating to the federal conveyance of Kaho'olawe;
- 11 (5) May enter into curator or stewardship agreements with
12 appropriate Hawaiian cultural and spiritual community
13 organizations for the perpetuation of native Hawaiian
14 cultural, religious, and subsistence customs, beliefs,
15 and practices for the purposes stated in section 6K-3;
- 16 (6) Shall carry out those powers and duties otherwise
17 conferred upon the board of land and natural resources
18 and the land use commission with regard to
19 dispositions and approvals pertaining to the island
20 reserve. All powers and duties of the board of land
21 and natural resources and the land use commission



- 1 concerning dispositions and approvals pertaining to
2 the island reserve are transferred to the commission;
- 3 (7) Shall carry out those powers and duties concerning the
4 island reserve otherwise conferred upon the county of
5 Maui by chapter 205A. The powers and duties of the
6 county of Maui and its agencies concerning coastal
7 zone dispositions and approvals pertaining to the
8 island reserve are transferred to the commission;
- 9 (8) Shall carry out those powers and duties concerning the
10 island reserve otherwise conferred upon the island
11 burial councils and the department with regard to
12 proper treatment of burial sites and human skeletal
13 remains found in the island reserve;
- 14 (9) Shall adopt rules in accordance with chapter 91 that
15 are necessary for the purposes of this chapter and
16 shall maintain a record of its proceedings and
17 actions;
- 18 (10) May delegate to the executive director or employees of
19 the commission, by formal commission action, such
20 power and authority vested in the commission by this
21 chapter as the commission deems reasonable and proper
22 for the effective administration of this chapter; and



1 (11) May solicit and accept grants, donations, and
2 contributions for deposit into the Kaho'olawe
3 rehabilitation trust fund to support the purposes of
4 this chapter."

5 SECTION 4. Section 247-7, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§247-7 **Disposition of taxes.** All taxes collected under
8 this chapter shall be paid into the state treasury to the credit
9 of the general fund of the State, to be used and expended for
10 the purposes for which the general fund was created and exists
11 by law; provided that of the taxes collected each fiscal year:

12 (1) Ten per cent shall be paid into the land conservation
13 fund established pursuant to section 173A-5;

14 (2) Twenty-five per cent from July 1, 2009, until June 30,
15 2012, and thirty per cent in each fiscal year
16 thereafter shall be paid into the rental housing trust
17 fund established by section 201H-202; [and]

18 (3) Twenty per cent from July 1, 2009, until June 30,
19 2012, and twenty-five per cent in each fiscal year
20 thereafter shall be paid into the natural area reserve
21 fund established by section 195-9; provided that the
22 funds paid into the natural area reserve fund shall be



1 annually disbursed by the department of land and
2 natural resources in the following priority:

3 (A) To natural area partnership and forest
4 stewardship programs after joint consultation
5 with the forest stewardship committee and the
6 natural area reserves system commission;

7 (B) [~~Projects~~] To projects undertaken in accordance
8 with watershed management plans pursuant to
9 section 171-58 or watershed management plans
10 negotiated with private landowners, and
11 management of the Hawaii natural area reserves
12 system pursuant to section 195-3; and

13 (C) [~~The~~] To the youth conservation corps established
14 under chapter 193 [~~-~~]; and

15 (4) Ten per cent shall be paid into the Kaho'olawe
16 rehabilitation trust fund established by section
17 6K-9.5."

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 2011.

21



Report Title:

Kahoolawe Island Reserve Commission; Department of Land and Natural Resources; Kahoolawe Conveyance Tax

Description:

Eliminates Kahoolawe island reserve commission oversight of the department of land and natural resources and other departments and agencies of the State with regard to the control and management of the island reserve. Provides that the commission and other state agencies shall be subject to the oversight of the department with regard to the control and management of the island reserve. Apportions ten per cent of the conveyance tax to the Kahoolawe rehabilitation trust fund. (SD1)

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

