

JAN 25 2012

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

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

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

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



1           **"§6K-6 Responsibilities and duties of the commission.** The  
2 general administration of the island reserve shall rest with the  
3 commission[-]; provided that the department shall have oversight  
4 of the control and management of the island reserve pursuant to  
5 section 6K-4. In carrying out its duties and responsibilities,  
6 the commission:

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



- 1           (6) Shall carry out those powers and duties otherwise  
2                   conferred upon the board of land and natural resources  
3                   and the land use commission with regard to  
4                   dispositions and approvals pertaining to the island  
5                   reserve. All powers and duties of the board of land  
6                   and natural resources and the land use commission  
7                   concerning dispositions and approvals pertaining to  
8                   the island reserve are transferred to the commission;
- 9           (7) Shall carry out those powers and duties concerning the  
10                   island reserve otherwise conferred upon the county of  
11                   Maui by chapter 205A. The powers and duties of the  
12                   county of Maui and its agencies concerning coastal  
13                   zone dispositions and approvals pertaining to the  
14                   island reserve are transferred to the commission;
- 15           (8) Shall carry out those powers and duties concerning the  
16                   island reserve otherwise conferred upon the island  
17                   burial councils and the department with regard to  
18                   proper treatment of burial sites and human skeletal  
19                   remains found in the island reserve;
- 20           (9) Shall adopt rules in accordance with chapter 91 that  
21                   are necessary for the purposes of this chapter and



1 shall maintain a record of its proceedings and  
 2 actions;  
 3 (10) May delegate to the executive director or employees of  
 4 the commission, by formal commission action, such  
 5 power and authority vested in the commission by this  
 6 chapter as the commission deems reasonable and proper  
 7 for the effective administration of this chapter; and  
 8 (11) May solicit and accept grants, donations, and  
 9 contributions for deposit into the Kaho'olawe  
 10 rehabilitation trust fund to support the purposes of  
 11 this chapter."

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

14 SECTION 4. This Act shall take effect upon its approval.  
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# S.B. NO. 3056

**Report Title:**

Kaho'olawe Island Reserve Commission; Department of Land and Natural Resources

**Description:**

Provides that the Kaho'olawe Island Reserve Commission shall be subject to the oversight of the department of land and natural resources.

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

