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# A BILL FOR AN ACT

RELATING TO THE KAHO'OLAWE 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 commercial activities, as permitted by the
- 3                   Kaho‘olawe island reserve commission, to generate
- 4                   revenue to support the rehabilitation and
- 5                   environmental restoration of the island reserve, among
- 6                   other purposes; and
- 7           (2) Appropriate funds to the Kaho‘olawe island reserve
- 8                   commission to effectively meet the unique challenges
- 9                   of managing, restoring, and preserving the appropriate
- 10                  and safe uses of the Kaho‘olawe island reserve for the
- 11                  people of Hawaii.

12           SECTION 2. Section 6K-3, Hawaii Revised Statutes, is

13 amended to read as follows:

14           "~~§~~6K-3~~§~~ **Reservation of uses.** (a) The Kaho‘olawe

15 island reserve shall be used solely and exclusively for the

16 following purposes:

- 17           (1) Preservation and practice of all rights customarily
- 18                   and traditionally exercised by native Hawaiians for
- 19                   cultural, spiritual, and subsistence purposes;
- 20           (2) Preservation and protection of its archaeological,
- 21                   historical, and environmental resources;



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

10 (b) The island shall be reserved in perpetuity for the  
 11 uses enumerated in subsection (a). [~~Commercial uses shall be~~  
 12 ~~strictly prohibited.]"~~

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

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

- 19 (1) All moneys received from the federal government for
- 20 the rehabilitation and environmental restoration of



1 the island of Kaho'olawe or other purposes consistent  
2 with this chapter;

3 (2) Any moneys generated by commercial activities  
4 permitted pursuant to section 6K-3(a)(5);

5 [~~2~~] (3) Any moneys appropriated by the legislature to the  
6 trust fund;

7 [~~3~~] (4) Any moneys received from grants, donations, or  
8 the proceeds from contributions; and

9 [~~4~~] (5) The interest or return on investments earned from  
10 moneys in the trust fund,

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

13 SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$6,000,000 or so much  
15 thereof as may be necessary for fiscal year 2015-2016 for the  
16 management, restoration, and preservation of the Kaho'olawe  
17 island reserve.

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

20 SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval;  
2 provided that section 4 of this Act shall take effect on July 1,  
3 2015.



**Report Title:**

Kaho'olawe Island Reserve Commission; Commercial Use;  
Appropriation

**Description:**

Allows for limited commercial uses to generate revenue.  
Appropriates funds to the Kaho'olawe island reserve commission  
for the management, restoration, and preservation of the  
Kaho'olawe island reserve. (SD1)

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