

JAN 22 2021

A BILL FOR AN ACT

RELATING TO THE KAHOO LAWE ISLAND RESERVE COMMISSION.

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

1 SECTION 1. The legislature finds that in 1976, a brave
2 group of native Hawaiians across the Pae ‘Āina came together to
3 raise awareness about the natural and cultural resources of the
4 island of Kahoolawe. This movement would significantly impact
5 the revival of Hawaiian culture and political activity across
6 Hawaii and directly influence a wide range of benefits that
7 native Hawaiians have obtained, including influence of the
8 Office of Hawaiian Affairs.

9 The legislature finds that since its return to the State in
10 1993, the resources and waters of Kahoolawe have been held in
11 trust as part of the public land trust; provided that the State
12 shall transfer management and control of the island and its
13 waters to the sovereign native Hawaiian entity upon its
14 recognition by the United States and the State of Hawaii.

15 The legislature finds that the Kahoolawe island reserve
16 commission was established under Chapter 6K, Hawaii Revised
17 Statutes, for the following purposes:



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- 1 (1) Preservation and practice of all rights customarily
- 2 and traditionally exercised by native Hawaiians for
- 3 cultural, spiritual, and subsistence purposes;
- 4 (2) Preservation and protection of its archaeological,
- 5 historical, and environmental resources;
- 6 (3) Rehabilitation, revegetation, habitat restoration, and
- 7 preservation; and
- 8 (4) Education.

9 The Kahoolawe island reserve commission is placed
10 administratively under the department of land and natural
11 resources for fiscal and personnel support functions.

12 The purpose of this Act is to transfer the administrative
13 operations of the Kahoolawe island reserve commission from the
14 department of land and natural resources to the Office of
15 Hawaiian Affairs.

16 SECTION 2. Section 6K-1, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~§~~6K-1~~§~~] **Administration of chapter.** The Kahoolawe
19 island reserve commission and the [~~department of land and~~
20 ~~natural resources~~] Office of Hawaiian Affairs shall administer
21 this chapter."



1 SECTION 3. Section 6K-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Office" means the Office of Hawaiian Affairs."

5 SECTION 4. Section 6K-5, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established the Kahoolawe island reserve
8 commission to be placed [~~within~~] under the [~~department of land~~
9 ~~and natural resources~~] Office of Hawaiian Affairs for
10 administrative purposes as provided in section 26-35. The
11 commission shall consist of seven members to be appointed in the
12 manner and to serve for the terms provided in section 26-34;
13 provided that:

- 14 (1) One member shall be a member of the Protect Kahoolawe
15 Ohana;
- 16 (2) Two members shall be appointed by the governor from a
17 list provided by the Protect Kahoolawe Ohana;
- 18 (3) One member shall be a trustee or representative of the
19 [~~office~~] Office of Hawaiian [~~affairs;~~] Affairs;



1 (4) One member shall be a county official appointed by the
2 governor from a list provided by the mayor of the
3 county of Maui;

4 (5) One member shall be the chairperson of the board of
5 land and natural resources; and

6 (6) One member shall be appointed by the governor from a
7 list provided by native Hawaiian organizations."

8 SECTION 5. Section 6K-8.6, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[+]§6K-8.6[+] **Administrative violation system.** With the
11 mutual consent of [~~both~~] the commission, the office, and the
12 department[7] of land and natural resources, the commission may
13 use the civil natural resource violations system of the
14 department of land and natural resources; provided that the
15 commission shall act whenever the board of land and natural
16 resources is authorized to act, to process violations of chapter
17 6K or any rules adopted thereunder."

18 SECTION 6. Section 10-6, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) The general duties of the board shall be:



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- 1 (1) To develop and continually update a strategic plan for
2 the office that shall include, but not be limited to,
3 the following:
- 4 (A) Compilation of basic demographic data on native
5 Hawaiians and Hawaiians;
- 6 (B) Identification of the physical, sociological,
7 psychological, and economic needs of native
8 Hawaiians and Hawaiians;
- 9 (C) Establishment of long-range goals for the
10 office's programs and services for native
11 Hawaiians and Hawaiians;
- 12 (D) Establishment of priorities and alternatives for
13 the office's program and service implementation;
14 and
- 15 (E) Organization of the office's administrative and
16 program structure, including the use of
17 facilities and personnel;
- 18 (2) To assist in the development of state and county
19 agency plans for native Hawaiian and Hawaiian programs
20 and services;



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- 1 (3) To maintain an inventory of federal, state, county,
2 and private programs and services for Hawaiians and
3 native Hawaiians and act as a clearinghouse and
4 referral agency;
- 5 (4) To advise and inform federal, state, and county
6 officials about native Hawaiian and Hawaiian programs,
7 and coordinate federal, state, and county activities
8 relating to native Hawaiians and Hawaiians;
- 9 (5) To conduct, encourage, and maintain research relating
10 to native Hawaiians and Hawaiians;
- 11 (6) To develop and review models for comprehensive native
12 Hawaiian and Hawaiian programs;
- 13 (7) To act as a clearinghouse for applications for federal
14 or state assistance to carry out native Hawaiian or
15 Hawaiian programs or projects;
- 16 (8) To apply for, accept and administer any federal funds
17 made available or allotted under any federal act for
18 native Hawaiians or Hawaiians; [~~and~~]
- 19 (9) To promote and assist the establishment of agencies to
20 serve native Hawaiians and Hawaiians [~~-~~]; and



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1 (10) To administer, together with the Kahoolawe island
 2 reserve commission, chapter 6K and have and exercise
 3 all the rights, powers, and duties of the department
 4 of land and natural resources for the Kahoolawe island
 5 reserve prior to transfer of the department's
 6 administrative duties to the office pursuant to Act
 7 _____ , Session Laws of Hawaii 2021."

8 SECTION 7. Section 6K-2, Hawaii Revised Statutes, is
 9 amended by deleting the definition of "department".

10 [~~"Department" means the department of land and natural~~
 11 ~~resources."~~]

12 SECTION 8. Sections 6K-4, 6K-6, 6K-8.5, and 6K-9.5, Hawaii
 13 Revised Statutes, are amended by substituting the word "office"
 14 wherever the word "department" appears, as the context requires.

15 SECTION 9. All rights, powers, functions, and duties of
 16 the department of land and natural resources relating to the
 17 administration of chapter 6K, Hawaii Revised Statutes, except
 18 section 6K-8.6, Hawaii Revised Statutes, are transferred to the
 19 Office of Hawaiian Affairs.

20 All officers and employees whose functions are transferred
 21 by this Act shall be transferred with their functions and shall



1 continue to perform their regular duties upon their transfer,
2 subject to the state personnel laws and this Act.

3 No officer or employee of the State having tenure shall
4 suffer any loss of salary, seniority, prior service credit,
5 vacation, sick leave, or other employee benefit or privilege as
6 a consequence of this Act, and such officer or employee may be
7 transferred or appointed to a civil service position without the
8 necessity of examination; provided that the officer or employee
9 possesses the minimum qualifications for the position to which
10 transferred or appointed; and provided that subsequent changes
11 in status may be made pursuant to applicable civil service and
12 compensation laws.

13 An officer or employee of the State who does not have
14 tenure and who may be transferred or appointed to a civil
15 service position as a consequence of this Act shall become a
16 civil service employee without the loss of salary, seniority,
17 prior service credit, vacation, sick leave, or other employee
18 benefits or privileges and without the necessity of examination;
19 provided that such officer or employee possesses the minimum
20 qualifications for the position to which transferred or
21 appointed.



1 If an office or position held by an officer or employee
2 having tenure is abolished, the officer or employee shall not
3 thereby be separated from public employment, but shall remain in
4 the employment of the State with the same pay and classification
5 and shall be transferred to some other office or position for
6 which the officer or employee is eligible under the personnel
7 laws of the State as determined by the head of the department or
8 the governor.

9 SECTION 10. All appropriations, records, equipment,
10 machines, files, supplies, contracts, books, papers, documents,
11 maps, and other personal property heretofore made, used,
12 acquired, or held by the department of land and natural
13 resources relating to the functions transferred to the Office of
14 Hawaiian Affairs shall be transferred with the functions to
15 which they relate.

16 SECTION 11. The balance of all moneys in the Kahoolawe
17 rehabilitation trust fund shall be transferred from the
18 administration by the department of land and natural resources
19 to the Office of Hawaiian Affairs on July 1, 2021.

20 SECTION 12. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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1 SECTION 13. This Act shall take effect upon its approval.

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INTRODUCED BY: *Francis X. Sweeney*



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Report Title:

Kahoolawe Island Reserve; Office of Hawaiian Affairs

Description:

Transfers administrative duties of the department of land and natural resources for the Kahoolawe Island Reserve Commission to the Office of Hawaiian Affairs.

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

