

A Bill for an Act Relating to Public Lands.

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

SECTION 1. The legislature finds that a 1926 volcanic eruption of Mauna Loa resulted in a lava flow which completely destroyed a Hawaiian fishing village in the Milolii-Hoopulua area, thereby forcing the relocation of all its residents; that the village residents relocated their domiciles to adjacent government land, through government invitation and intervention; that county, territorial, and state governments have attempted to mitigate the adverse effects of such a natural disaster through permits, executive orders, and proposed legislation which attempted to initiate a cultural park, land exchanges, and fee simple title with the purposes of granting long-term tenure and effecting final disposition of the matter; and that the displaced Milolii-Hoopulua residents have continuously resided on such lands in a peaceful and productive manner.

Accordingly, the legislature further finds that there are compelling policy considerations in remedying the circumstances of such displaced persons, who have had justifiable expectations in relying on past government action and initiatives; that there is prevailing policy consideration in preserving the unique cultural life of the Hawaiian community; and that such policies may be accomplished by offering the eligible resident members of the Milolii-Hoopulua community the opportunity to negotiate long-term residential leases with the department of land and natural resources for parcels upon which their homes are presently located.

SECTION 2. The department of land and natural resources is authorized to negotiate and enter into long-term residential leases not to exceed sixty-five years in duration with persons who meet the following criteria:

- (1) Persons who were displaced by, or are descendants of the refugees of, the 1926 Hoopulua lava flow and who actually resided and continued to reside in the area are set aside by Executive Order 473, at some point prior to December 31, 1949; or
- (2) Persons awarded a lot in some manner under the county management of Executive Order 473, and who did not relinquish such right to others or back to the county, and who actually resided in the area set aside by Executive Order 473, at some point prior to December 31, 1949; or
- (3) Persons who resided in the area by virtue of assignment of lot by those persons who were awarded a lot in some manner under the county management of Executive Order 473; or
- (4) Any heir, consanguineous or affined, of any person qualifying under paragraph (1), (2), or (3) of this section who has established residence in the area described in section 4 of this Act; or
- (5) Persons who on the effective date of this Act reside on a parcel or parcels of land listed in section 4, have permits allowing them to reside on those

parcels; and
who can prove their claims to the department of land and natural resources under the provisions of this Act.

SECTION 3. The lands eligible for long-term residential lease negotiations under section 2(1), (2), (3), and (4) of this Act are limited to a portion of those lands situated at Hoopuloa, South Kona, County of Hawaii, State of Hawaii, which were set aside for a public park under the control and management of the board of supervisors of the County of Hawaii with authority to create a Hawaiian village, pursuant to the governor's Executive Order 473, dated March 19, 1931, comprising an area of 52.6 acres.

SECTION 4. The lands eligible for long-term residential lease negotiations under section 2(5) of this Act are limited to that parcel designated by tax map key 8-9-4-16, together with right-of-way across the school lot.

SECTION 5. Any other law to the contrary notwithstanding, including chapter 171, Hawaii Revised Statutes, the department of land and natural resources is authorized to negotiate and enter into lease agreements in accordance with the provisions and limitations of this Act; provided that the authority granted by this Act shall expire (1) when leases have been negotiated and recorded in the bureau of conveyances for all parcels meeting the criteria in Section 2 and Section 3, or (2) on January 1, 1985, whichever occurs first.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 10, 1982.)