

ACT 83

S.B. NO. 1890-84

A Bill for an Act Relating to Public Lands.

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

SECTION 1. Act 62, Session Laws of Hawaii 1982, is amended by adding a new section to be appropriately designated and to read as follows:

“SECTION 5. The department of land and natural resources, on behalf of the State, is hereby authorized to subdivide and provide for the creation of a residential subdivision for persons who receive long-term leases under the provisions of this Act, which shall be exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to zoning and construction standards for subdivisions, the development and improvement of land, and the construction of units thereon; provided that the department of land and natural resources finds the project is consistent with the purpose and intent of this Act and meets minimum requirements of health and safety.”

SECTION 2. Act 62, Session Laws of Hawaii 1982, is amended by amending section 2 to read as follows:

“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 Hoopuloa 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] 3 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. Act 62, Session Laws of Hawaii 1982, is amended by amending section 5 to read as follows:

“SECTION [5.] 6. 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,] January 1, 1987, whichever occurs first.”

SECTION 4. Act 62, Session Laws of Hawaii 1982, is amended by amending section 6 to read as follows:

“SECTION [6.] 7. This Act shall take effect upon its approval.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved April 30, 1984.)