

ACT 362

H.B. NO. 428

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 the authority granted to the department of land and natural resources to negotiate and enter into long-term residential leases with persons who were displaced by, or who are the descendants of, the refugees of the 1926 Hoopuloa lava flow has expired. The legislature further finds that all parcels meeting the criteria enumerated in Act 62, Session Laws of Hawaii 1982, have not been awarded.

The purpose of this Act is to re-authorize the negotiation of long-term residential leases between the department of land and natural resources and the displaced Milolii-Hoopuloa residents. Act 62, Session Laws of Hawaii 1982, as amended by Act 83, Session Laws of Hawaii 1984, having expired on January 1, 1987, it is necessary to reenact its provisions and apply them retroactively to January 1, 1987, before an extension is possible.

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:

- (a) 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 set aside by Executive Order 473, at some point prior to December 31, 1949; or
- (b) 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
- (c) 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
- (d) Any heir, consanguineous or affined, of any person qualifying under paragraph (a), (b), or (c) of this section who as of May 10, 1982 established residence in the area described in section 3 of this Act; or
- (e) Persons who as of May 10, 1982, resided 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(a), (b), (c), and (d) 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, in keeping with the uniqueness of

ACT 362

Milolii, 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(e) 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, upon consideration of the Milolii-Hoopuloa Community Development Plan, 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, 1989, whichever occurs first.

SECTION 6. Pa'a Pono Milolii, a community association, shall work with the Milolii residents to resolve conflicts utilizing the mediation process of the Aloha Spirit Law with the office of Hawaiian affairs acting as the mediator. Pa'a Pono Milolii shall exhaust all means of notifying and encouraging all eligible applicants.

SECTION 7. This Act shall take effect upon its approval; provided that the provisions of this Act shall apply retroactively to January 1, 1987.

(Approved July 2, 1987.)