
A BILL FOR AN ACT

RELATING TO THE ACQUISITION OF MAKAI LANDS OF KAPUA IN SOUTH
KONA ON THE ISLAND OF HAWAII.

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

1 SECTION 1. The legislature finds that the makai lands of
2 Kapua in south Kona on the island of Hawaii are a scenic wonder
3 with breathtaking shoreline views. The makai lands of Kapua
4 comprise at least 6,000 acres in south Kona that are classified
5 as agricultural or conservation land and are privately owned.

6 Kapua is sparsely populated and evokes strong emotions
7 stemming from its rich heritage, culture, and history of Native
8 Hawaiian practices. The legislature further finds that the
9 State should seek to acquire the makai lands of Kapua in the
10 interests of preserving the area's pristine condition for future
11 generations while ensuring the preservation of agricultural and
12 conservation lands in the area.

13 The purpose of this Act is to require the department of
14 land and natural resources to engage in negotiations to acquire
15 the makai lands of Kapua.

16 SECTION 2. (a) The department of land and natural
17 resources, in consultation with The Trust for Public Land, shall



1 engage in negotiations with the current landowners of the makai
2 lands of Kapua, island of Hawaii, to acquire those lands on
3 behalf of the State.

4 (b) For purposes of this Act:

5 "Acquire" or "acquisition" means to secure an interest in
6 real property in fee simple or otherwise through means of
7 purchase, sale, or exchange of other real property.

8 "Makai lands of Kapua" means those lands makai of highway
9 11 in south Kona, island of Hawaii, more appropriately
10 designated as tax map keys: (3)8-9-006:003; (3)8-9-006:019;
11 (3)8-9-006:028; and (3)8-9-006:035.

12 SECTION 3. Beginning on July 1, 2016, and every three
13 months thereafter, the department of land and natural resources
14 shall report in writing to the legislature on the status of the
15 negotiations to acquire the makai lands of Kapua. The report
16 shall include information regarding the progress of the
17 department of land and natural resources' due diligence and
18 negotiations; provided that the report shall not include any
19 information that the department of land and natural resources
20 deems confidential or detrimental to the State's negotiating
21 position.



1 SECTION 4. (a) The department of land and natural
2 resources shall conduct due diligence and attempt to reach an
3 agreement for the acquisition of the makai lands of Kapua by
4 December 31, 2016. If an agreement is reached, the department
5 of land and natural resources shall immediately notify the
6 governor and the legislature and shall submit proposed
7 legislation, including any necessary appropriation, for the
8 purpose of effectuating the acquisition.

9 (b) If the department of land and natural resources has
10 not reached an agreement for the acquisition of the makai lands
11 of Kapua by December 31, 2016, the department of land and
12 natural resources may continue to negotiate with the owners of
13 the makai lands of Kapua. In such event, the department of land
14 and natural resources shall submit quarterly progress reports to
15 the legislature until an agreement is reached or negotiations
16 are terminated.

17 SECTION 5. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$500,000 or so much
19 thereof as may be necessary for fiscal year 2016-2017 for due
20 diligence on the makai lands of Kapua, to include but not be
21 limited to a determination of the likelihood that unexploded



1 ordinances exist on any of the parcels of land, and for
2 negotiations to acquire the makai lands of Kapua.

3 The sum appropriated shall be expended by the department of
4 land and natural resources for the purposes of this Act.

5 SECTION 6. This Act shall take effect upon its approval;
6 provided that section 5 shall take effect on July 1, 2016.

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Report Title:

DLNR; Makai Lands of Kapua; Land Acquisition; Real Property; Negotiation; Appropriation

Description:

Requires the department of land and natural resources, in consultation with The Trust for Public Land, to engage in negotiations to acquire the makai lands of Kapua, island of Hawaii. Authorizes the acquisition to be made through the purchase, sale, or exchange of other real property. Requires the department of land and natural resources to report to the legislature in writing on the status of the negotiations beginning July 1, 2016, and every three months thereafter. Provides that the department of land and natural resources shall attempt to reach an agreement for the acquisition by December 31, 2016; provided that if an agreement is not reached by that date negotiations may continue and the department shall continue to provide quarterly progress reports. Appropriates \$500,000 to the department of land and natural resources to conduct due diligence on the makai lands of Kapua and for negotiations to acquire those lands. (SD1)

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