
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. (a) The department of land and natural
2 resources may engage in negotiations with the current landowners
3 of the makai lands of Kapua, island of Hawaii, to acquire those
4 lands on behalf of the State.

5 (b) For purposes of this Act:

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

9 "Makai lands of Kapua" means those lands makai of highway
10 11 in south Kona, island of Hawaii, more appropriately
11 designated as tax map keys: (3)8-9-006:003; (3)8-9-006:019;
12 (3)8-9-006:028; and (3)8-9-006:035.

13 SECTION 2. Beginning on July 1, 2016, and every three
14 months thereafter, the department of land and natural resources
15 may report in writing to the legislature on the status of the
16 negotiations to acquire the makai lands of Kapua. The report



1 shall include information regarding the progress of the
2 department of land and natural resources' due diligence and
3 negotiations; provided that the report shall not include any
4 information that the department of land and natural resources
5 deems confidential or detrimental to the State's negotiating
6 position.

7 SECTION 3. (a) The department of land and natural
8 resources shall conduct due diligence and attempt to reach an
9 agreement for the acquisition of the makai lands of Kapua by
10 December 31, 2016. If the department of land and natural
11 resources has not reached an agreement for the acquisition of
12 the makai lands of Kapua by December 31, 2016, the department of
13 land and natural resources may continue to negotiate with the
14 owners of the makai lands of Kapua. In such event, the
15 department of land and natural resources shall submit quarterly
16 progress reports to the legislature pursuant to section 2 of
17 this Act until an agreement is reached or negotiations are
18 terminated.

19 (b) If an agreement is reached, the department of land and
20 natural resources shall immediately notify the governor and the
21 legislature and shall submit proposed legislation, including any



1 necessary appropriation, for the purpose of effectuating the
2 acquisition.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2016-2017 for due
6 diligence on the makai lands of Kapua, to include but not be
7 limited to a determination of the likelihood that unexploded
8 ordnances exist on any of the parcels of land, and for
9 negotiations to acquire the makai lands of Kapua.

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

12 SECTION 5. This Act shall take effect on July 1, 2030;
13 provided that section 4 shall take effect on July 1, 2016.



Report Title:

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

Description:

Allows the Department of Land and Natural Resources 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. Allows 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 funds 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. (SB3071 HD2)

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