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# A BILL FOR AN ACT

RELATING TO KIKALA-KEOKEA.

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

1           SECTION 1. The legislature finds that the destruction of  
2 Kalapana by lava flow displaced a tightly knit community with a  
3 truly Hawaiian lifestyle. In 1938, the United States Congress  
4 enacted Public Law 680, the Kalapana Extension Act, providing  
5 that native Hawaiian residents of the area were to be provided  
6 with leases for homesites and that fishing was to be permitted  
7 only by native Hawaiian residents of the area or adjacent  
8 villages, and by visitors under their guidance.

9           The continuation of the unique way of life of the Hawaiian  
10 residents of Kalapana was disrupted by volcanic eruptions and  
11 lava flows that began on January 3, 1983, destroying one of the  
12 last Hawaiian settlements on the island of Hawaii.

13           The legislature recognized this tragedy by enacting Act  
14 314, Session Laws of Hawaii 1991, as amended (Act 314),  
15 authorizing the department of land and natural resources to  
16 negotiate long-term leases with qualified, displaced Kalapana  
17 families to maintain their heritage in the Kikala-Keokea



1 homestead area adjacent to the Kalapana-Kapoho Beach road. The  
2 site allows the Kalapana families to develop the land in a  
3 manner that will enable them to continue their traditional way  
4 of life by raising small animals, planting sustenance crops,  
5 growing herbal medicines and gathering additional food resources  
6 from the nearby ocean and uplands.

7 Act 314 also stipulated that the department of land and  
8 natural resources or its designated agency subdivide and create  
9 a residential subdivision in the Kikala-Keokea homestead area  
10 that will be exempt from all statutes, ordinances, charter  
11 provisions, and rules of any governmental agency relating to  
12 zoning and construction standards for subdivisions, the  
13 development and improvement of land, and the construction of  
14 units thereon; provided that it meets the minimum requirements  
15 of health and safety.

16 Prior to the expiration of Act 314, the department of land  
17 and natural resources entered into lease arrangements with  
18 forty-eight families who met the eligibility criteria set forth  
19 under the Act. However, there are nineteen remaining lots which  
20 were not leased prior to the expiration of Act 314.

21 The purpose of this Act is to authorize the department of  
22 land and natural resources, subject to specific criteria and



1 priority requirements, to award leases for the remaining  
2 nineteen lots at Kikala-Keokea.

3 SECTION 2. The department of land and natural resources  
4 may negotiate and enter into long-term leases of sixty-five  
5 years in duration, subject to renewal by mutual agreement, with  
6 persons who have attained the age of eighteen years, and meet  
7 the following criteria:

- 8 (1) Residents of Kalapana who have been living in Kalapana  
9 continuously for no less than six months at the time  
10 of their application;
- 11 (2) Previous residents of Kalapana, who at the time of  
12 residency, lived within Kalapana continuously for no  
13 less than six months; or
- 14 (3) Descendants of those residents of Kalapana who were  
15 dispossessed or displaced as a result of the volcanic  
16 eruptions on the island of Hawaii that began on  
17 January 3, 1983.

18 SECTION 3. In awarding a lease to a person meeting the  
19 eligibility requirements of section 2 of this Act, the  
20 department of land and natural resources shall give priority to  
21 the following:



- 1           (1) Persons who were previously awarded a lease under Act  
2                   314, Session Laws of Hawaii 1991, but did not execute  
3                   a lease;
- 4           (2) Persons who were dispossessed or displaced as a result  
5                   of the volcanic eruptions on the island of Hawaii that  
6                   began on January 3, 1983, who do not have any other  
7                   residential property interest;
- 8           (3) Persons who have no immediate family members who have  
9                   executed a lease under this Act or under Act 314,  
10                  Session Laws of Hawaii 1991;
- 11          (4) Persons who have not executed a lease under this Act  
12                  or under Act 314, Session Laws of Hawaii 1991; and
- 13          (5) Heirs of a person who was eligible for a lease under  
14                  section 2 of Act 314, Session Laws of Hawaii 1991.

15           For the purpose of this Act:

16           "Heirs" includes persons, including the surviving spouse or  
17 reciprocal beneficiary, who are entitled under the statutes of  
18 intestate succession to the property of a decedent.

19           "Immediate family members" includes grandparents, parents,  
20 siblings, spouse, reciprocal beneficiary, children, and any  
21 legal guardian.



1 SECTION 4. The lands eligible for long-term residential  
 2 lease negotiation under this Act are limited to those lands  
 3 described in section 3 of Act 314, Session Laws of Hawaii 1991,  
 4 for which a lease was not executed prior to the expiration of  
 5 Act 314, Session Laws of Hawaii 1991.

6 SECTION 5. Notwithstanding any other law to the contrary,  
 7 including chapter 171, Hawaii Revised Statutes, the department  
 8 of land and natural resources may negotiate and enter into lease  
 9 arrangements in accordance with the provisions and limitations  
 10 of this Act; provided that the authority to initially execute a  
 11 lease agreement granted by this Act shall expire:

- 12 (1) When all nineteen leases have been negotiated and
- 13 recorded in the bureau of conveyances for all parcels
- 14 meeting the criteria in this Act; or
- 15 (2) One year after the effective date of this Act;
- 16 whichever comes first.

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

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INTRODUCED BY:

Russell S. Kohl

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**Report Title:**

Kikala-Keokea

**Description:**

Authorizes the Department of Land and Natural Resources, subject to specific criteria and priority requirements, to award the remaining leases in the Kikala-Keokea area not previously executed under Act 314, Session Laws of Hawaii 1991.

