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# A BILL FOR AN ACT

RELATING TO LAND ACQUISITION.

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

1           SECTION 1. The legislature finds that an additional  
2 appropriation is needed to effectuate Act 140, Session Laws of  
3 Hawaii 2008, to authorize the governor to negotiate on behalf of  
4 the State with private interested parties to purchase the resort  
5 property located in Kahuku, Oahu. The subject property under  
6 negotiation includes the lands of, and surrounding, the Turtle  
7 Bay Hotel and Resort ("Property"). However, despite two  
8 separate attempts to acquire the land, nothing has been  
9 successfully completed and the matter remains unresolved.

10           The legislature believes that it remains in the public's  
11 best interest to continue efforts to conserve the undeveloped  
12 portions of the Property.

13           The purpose of this Act is to effectuate conservation of  
14 the undeveloped portion of the Property through purchase,  
15 easement, or other means as provided by law.

16           SECTION 2. The governor or the governor's designee shall  
17 negotiate with the current owners of the Property, as  
18 applicable, related entities, and successors in interest, as



1 applicable, to conserve the undeveloped portions of the  
2 Property. The financing of this Act may be by one or more of  
3 the following means:

- 4 (1) Appropriations made by the legislature from the  
5 general fund or any special funds;
- 6 (2) General obligation bonds authorized by the  
7 legislature;
- 8 (3) Exchange of public lands or transfer of development  
9 rights, to the extent authorized by law;
- 10 (4) Federal or county funds;
- 11 (5) Private funds, financing, or donations; or
- 12 (6) Any other means of financing the governor or the  
13 governor's designee may negotiate.

14 The lands to be conserved shall include the undeveloped  
15 lands, defined as those that are not used for the existing hotel  
16 and condominiums, and may include the unoccupied areas, such as  
17 the golf courses, stables, parking areas, nurseries, and lands  
18 with similar uses that could be relocated. The lands to be  
19 conserved shall generally include the undeveloped portions of  
20 the Property and surrounding lands that have significant  
21 conservation or historic value if the conservation would better



1 protect coastal and natural resources between Malaekahana state  
2 recreational area and Kawela bay.

3 SECTION 3. If the governor, or the governor's designee  
4 finds that it is not feasible for the State to acquire sole  
5 interest of the Property identified in section 2 of this Act,  
6 the governor, or the governor's designee, shall enter into a  
7 cooperative agreement or agreements, such as a conservation  
8 easement, with private or other public entities interested in  
9 conserving the undeveloped portions of the Property.

10 SECTION 4. The governor, or the governor's designee, shall  
11 submit a report to the legislature no later than twenty days  
12 prior to the convening of the regular session of 2014 regarding  
13 the efforts to conserve the undeveloped portions of the  
14 Property.

15 SECTION 5. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2013-2014 and  
18 the same sum or so much thereof as may be necessary for fiscal  
19 year 2014-2015 for the fee simple purchase, easement, or other  
20 means as provided by law to conserve the undeveloped portions of  
21 the Property and surrounding lands as identified in this Act and  
22 existing law.



1           The sums appropriated shall be expended by the department  
2 of land and natural resources for the purposes of this Act.

3           SECTION 6. The appropriations made for the land  
4 conservation authorized by this Act shall not lapse at the end  
5 of the fiscal biennium for which the appropriations are made;  
6 provided that all moneys from the appropriation unencumbered as  
7 of June 30, 2018, shall lapse as of that date.

8           SECTION 7. This Act shall take effect on July 1, 2050, and  
9 shall be repealed on November 6, 2018; provided that section 5  
10 shall take effect on July 1, 2013.

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**Report Title:**

Land Acquisition; Turtle Bay; Appropriation

**Description:**

Directs the governor, or the governor's designee, to negotiate with the current owners of the undeveloped portions of the property commonly known as Turtle Bay Hotel and Resort located in Kahuku, Oahu, related entities, and successors in interest, to conserve the subject property through purchase, easement, or other means provided by law. Appropriates an unspecified amount. Effective 7/1/2050. Sunset on 11/06/18. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

