

ACT 139

H.B. NO. 3769

A Bill for an Act Relating to Persons Dispossessed or Displaced by Volcanic Eruptions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 314, Session Laws of Hawaii 1991, as amended by Act 172, Session Laws of Hawaii 1993, and Act 81, Session Laws of Hawaii 1994, authorized the department of land and natural resources to negotiate and enter into long-term leases of sixty-five years in duration, subject to renewal by mutual agreement, with persons who met both of the following criteria:

- (1) Persons living in Kalapana who were dispossessed or displaced as a result of the volcanic eruptions on the island of Hawaii which began on January 3, 1983; and
- (2) Persons who meet the qualifications of section 13D-3(b), Hawaii Revised Statutes.

The lands eligible for long-term residential lease negotiations under Act 314, Session Laws of Hawaii 1991, as amended, were limited to those lands situated at the Kikala-Keokea homestead area, which is adjacent to and mauka of the Kalapana-Kapoho beach road, and identified as Tax Map Key: 1-2-07, parcels 2 and 30. The Act further stipulated that:

- (1) No more than 150 acres of the Kikala-Keokea homestead area could be used for the purposes of the Act; and
- (2) The size of any lot leased under the Act shall be at least one acre.

Further, Act 314, Session Laws of Hawaii 1991, as amended, authorized the department of land and natural resources to negotiate and enter into lease arrangements in accordance with certain provisions and limitations; provided that the authority granted by Act 314, Session Laws of Hawaii 1991, as amended, expired:

- (1) When leases have been negotiated and recorded in the bureau of conveyances for all parcels meeting the criteria in that Act; or
- (2) On December 31, 1995; whichever occurred first.

Prior to the expiration of Act 314, Session Laws of Hawaii 1991, as amended, on December 31, 1995, the department of land and natural resources negotiated and entered into lease arrangements with forty-eight out of a total of fifty-eight persons who met both of the eligibility criteria as set forth under the Act. Due to circumstances beyond the control of the department of land and natural resources, ten persons who met both of the eligibility criteria for Kikala-Keokea residential leases, did not or could not enter into lease arrangements with the department of land and natural resources before the expiration date of December 31, 1995.

SECTION 2. As there still exist available lots within the Kikala-Keokea residential subdivision for further lease arrangements, the department of land and natural resources is authorized to enter into long-term leases of sixty-five years in duration, subject to renewal by mutual agreement, with those ten persons who met both of the eligibility criteria as set forth under section 1 of Act 314, Session Laws of Hawaii 1991, as amended, and who were found to be eligible for a Kikala-Keokea residential lease by the application screening committee in October and November, 1995.

SECTION 3. The lands eligible for long-term residential lease arrangements under this Act are limited to those ten available and unencumbered Kikala-Keokea residential subdivision lots previously selected by those persons who met both of the eligibility criteria for Kikala-Keokea residential leases, and who did not or could not enter into lease arrangements with the department of land and natural resources before the December 31, 1995 expiration date of Act 314, Session Laws of Hawaii 1991, as amended. The size of any lot leased under this Act shall be at least one acre.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 12, 1996.)