



**GOV. MSG. NO 831**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 16, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 16, 2007, the following bill was signed into law:

SB840 HD1

A BILL FOR AN ACT RELATING TO KIKALA-  
KEOKEA.  
(ACT 073)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 16 2007

THE SENATE  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 073**

**S.B. NO.** 840  
H.D. 1

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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, the Kalapana Extension Act (16 U.S.C. 396a), 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 Kalapana-Kapoho beach road. The site  
2 allows the Kalapana families to develop the land in a manner  
3 that will enable them to continue their traditional way of life  
4 by raising small animals, planting sustenance crops, growing  
5 herbal medicines and gathering additional food resources from  
6 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 not less than six months at the time  
10 of their application;
- 11 (2) Previous residents of Kalapana who resided within  
12 Kalapana continuously for not less than six months; or
- 13 (3) Descendants of those residents of Kalapana who were  
14 dispossessed or displaced as a result of the volcanic  
15 eruptions on the island of Hawaii that began on  
16 January 3, 1983.

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



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 agreements in accordance with the provisions and limitations of  
 10 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.



GOVERNOR OF THE STATE OF HAWAII

Approved this day: MAY 16 2007

