
A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1 SECTION 1. Section 173A-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§173A-3[+] **Resource land acquisition plan.** [~~The~~] In
4 consultation with the senate president and speaker of the house
5 of representatives, the department [~~may~~] shall prepare and from
6 time to time revise a plan for the acquisition of land having
7 value as a resource to the State. This plan shall guide the
8 board in acquiring [~~such~~] the land in the exercise of its powers
9 under this chapter. In preparing this plan, the department may
10 institute studies relating to the need for [~~such~~] the land[~~7~~]
11 and shall consider any plan relating to the acquisition of
12 [~~such~~] the land [~~which~~] that has been prepared by any state or
13 county agency."

14 SECTION 2. Section 173A-4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§173A-4[+] **Authority to acquire and convey.** (a)
17 [~~Subject to the approval of the governor,7~~] In consultation with
18 the senate president and speaker of the house of



1 representatives, the board may acquire, by purchase, gift, or
2 the exercise of the power of eminent domain as authorized by
3 chapter 101, any land having value as a resource to the State.
4 Such acquisition is hereby declared to be for a public use.

5 (b) The board [~~may~~], subject to chapter 171, in
6 consultation with the senate president and speaker of the house
7 of representatives, and with the approval of the governor, may
8 sell, lease, or otherwise convey any such land subject to terms
9 and conditions [~~which~~] that it deems appropriate and [~~which~~]
10 that will [~~insure~~] ensure that the transferee will not use the
11 land in a manner [~~which~~] that is inconsistent with the purposes
12 for which it was acquired by the board. [~~Such~~] The terms and
13 conditions shall run with the land and shall be binding on the
14 transferee's heirs, successors, and assigns. The board may seek
15 enforcement of [~~such~~] the terms and conditions in any court of
16 appropriate jurisdiction."

17 SECTION 3. Section 173A-5, Hawaii Revised Statutes, is
18 amended by amending subsection (h) to read as follows:

19 "(h) Based on applications from state agencies, counties,
20 and nonprofit land conservation organizations, the department,
21 in consultation with the senate president and speaker of the
22 house of representatives, shall recommend to the board specific



1 parcels of land to be acquired, restricted with conservation
2 easements, or preserved in similar fashion. The board shall
3 review the selections and approve or reject the selections
4 according to the availability of moneys in the fund. To be
5 eligible for grants from the fund, state and county agencies and
6 nonprofit land conservation organizations shall submit
7 applications to the department that contain:

- 8 (1) Contact information for the project;
- 9 (2) A description of the project;
- 10 (3) The request for funding;
- 11 (4) Cost estimates for acquisition of the interest in the
12 land;
- 13 (5) Location and characteristics of the land; and
- 14 (6) Other similar, related, or relevant information as may
15 be determined by the department."

16 SECTION 4. Section 173A-9, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§173A-9 Grants to state agencies, counties, and nonprofit**
19 **land conservation organizations.** [~~Subject~~] After consultation
20 with the senate president and speaker of the house of
21 representatives, and subject to the approval of the governor,
22 the board may make grants to state agencies, counties, and



1 nonprofit land conservation organizations from available funds
2 for the purchase or acquisition of interests or rights in land
3 having value as a resource to the State, whether in fee title or
4 through the purchase of permanent conservation easements under
5 chapter 198, and approved for purchase or acquisition by the
6 board. Any land so acquired by any state agency or county may
7 be sold, leased, or otherwise disposed of, subject to chapter
8 171, with the prior written approval of the board. Any land
9 acquired by any nonprofit land conservation organization under
10 this chapter may be sold, leased, or otherwise disposed of with
11 the prior written approval of the board. Any permanent
12 conservation easement established under this section that
13 includes partnership with a federal land conservation program
14 may be transferred only as provided by rules of the federal
15 program."

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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



SB 3077

SD2

HD1

Report Title:

Department of Land and Natural Resources; Land Conservation Fund

Description:

Requires DLNR and BLNR to consult with the Senate President and Speaker of the House of Representatives regarding the acquisition of Land Having Value as a Resource to the State.

(SB3077 HD1)

