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# 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 land in the exercise of its powers under  
9 this chapter. In preparing this plan, the department may  
10 institute studies relating to the need for such land~~[.]~~ and  
11 shall consider any plan relating to the acquisition of such land  
12 ~~[which]~~ that has been prepared by any state or county agency."

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

15 " ~~[+] §173A-4 [.]~~ **Authority to acquire and convey.** (a)  
16 ~~[Subject to the approval of the governor,]~~ In consultation with  
17 the senate president and speaker of the house of  
18 representatives, the board may acquire, by purchase, gift, or



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

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

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

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



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

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

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

17 "**§173A-9 Grants to state agencies, counties, and nonprofit**  
18 **land conservation organizations.** [~~Subject~~] After consultation  
19 with the senate president and speaker of the house of  
20 representatives, and subject to the approval of the governor,  
21 the board may make grants to state agencies, counties, and  
22 nonprofit land conservation organizations from available funds



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

15 SECTION 5. There is appropriated out of the land  
16 conservation fund of the State of Hawaii the sum of \$ or  
17 so much thereof as may be necessary for fiscal year 2006-2007  
18 for the purchase of agriculture easements to protect farm and  
19 ranch lands throughout the state. This appropriation shall use  
20 and preserve federal farm and ranch land protection program  
21 funding for agricultural and cultural lands in Hawaii.

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

3           SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 7. This Act shall take effect on July 1, 2020.



SB 3077 SD 2 HD 2

**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.  
Effective date July 1, 2020. (SB3077 HD2)

SB3077 HD2 HMS 2006-3235

