
A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1 SECTION 1. Chapter 173A, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§173A-A Legacy land conservation commission. (a) There
5 is established within the department of land and natural
6 resources a legacy land conservation commission. The commission
7 shall consist of nine members, with at least one member from
8 each of the counties, who shall be appointed in the manner and
9 serve for the term set forth in section 26-34 as follows:

10 (1) Four of the members of the commission shall be persons
11 possessing scientific qualifications as evidenced by
12 an academic degree in wildlife or marine biology,
13 botany, forestry, ecology, resource management,
14 biogeography, zoology, or geology;

15 (2) One member shall be a person possessing membership in
16 an environmental organization organized in the State;



1 (3) One member shall be a person possessing membership in
2 a land conservation organization organized in the
3 State;

4 (4) One member shall be a person possessing membership in
5 a statewide agricultural association; and

6 (5) One member shall be a person knowledgeable about
7 native Hawaiian culture.

8 The chairperson of the natural area reserves system commission
9 shall serve as an ex officio voting member and the chairperson
10 of the commission. The members shall receive no compensation
11 for their services on the commission but shall be entitled to
12 reimbursement for necessary expenses, including travel expenses,
13 incurred in the discharge of their duties.

14 (b) Any action taken by the commission shall be by a
15 simple majority of its members. Five members of the commission
16 shall constitute a quorum.

17 (c) Except as otherwise provided in this chapter, the
18 commission shall be subject to sections 26-34, 26-35, 26-35.5,
19 and 26-36.

20 (d) The commission may adopt rules pursuant to chapter 91
21 to carry out its duties.

1 **§173A-B Responsibilities of the legacy land conservation**

2 **commission.** The responsibilities of the commission shall
3 include, but not be limited to:

4 (1) Advising the department and the board on any proposal,
5 public or private, for the acquisition of any interest
6 or rights in land having value as a resource to the
7 State;

8 (2) Advising the department and the board on any requests
9 for grants from the fund to a qualifying state or
10 county agency or nonprofit land conservation
11 organization for the preservation of lands having
12 value as a resource to the State;

13 (3) Recommending to the board the acquisition of interests
14 or rights in certain lands having value as a resource
15 to the State; and

16 (4) Reviewing and adopting rules relating to the criteria
17 it applies in advising the department and the board
18 and making recommendations to the board regarding land
19 acquisitions and grants made pursuant to this chapter.

20 **§173A-C Land acquisition priorities.** In advising the
21 department and the board, the commission shall give the

1 following lands priority in its recommendations for
2 acquisitions:

3 (1) Lands having exceptional value due to the presence of:

4 (A) Unique aesthetic resources;

5 (B) Unique and valuable cultural or archaeological
6 resources; or

7 (C) Habitats for threatened or endangered species of
8 flora, fauna, or aquatic resources;

9 (2) Lands that are in imminent danger of development;

10 (3) Lands that are in imminent danger of being modified,
11 changed, or used in a manner to diminish its value;

12 (4) Lands providing critical habitats for threatened or
13 endangered species that are in imminent danger of
14 being harmed or negatively impacted;

15 (5) Lands containing cultural or archaeological sites or
16 resources that are in danger of theft or destruction;
17 and

18 (6) Lands that are unique and productive agricultural
19 lands."

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

1 "~~{}~~§173A-3~~{}~~ **Resource land acquisition plan.** ~~[The]~~ In
2 consultation with the senate president and speaker of the house
3 of representatives, the department ~~[may]~~ shall prepare and, from
4 time to time, revise a plan for the acquisition of land having
5 value as a resource to the State. This plan shall guide the
6 board in acquiring such land in the exercise of its powers under
7 this chapter. In preparing this plan, the department may
8 institute studies relating to the need for such land~~[,]~~ and
9 shall consider any plan relating to the acquisition of such land
10 ~~[which]~~ that has been prepared by any state or county agency."

11 SECTION 3. Section 173A-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~{}~~§173A-4~~{}~~ **Authority to acquire and convey.** (a)
14 ~~[Subject to the approval of the governor,]~~ In consultation with
15 the senate president and speaker of the house of
16 representatives, the board may acquire, by purchase, gift, or
17 the exercise of the power of eminent domain as authorized by
18 chapter 101, any land having value as a resource to the State.
19 Such acquisition is hereby declared to be for a public use.

20 (b) The board may, subject to chapter 171, in consultation
21 with the senate president and speaker of the house of
22 representatives, and with the approval of the governor, sell,

1 lease, or otherwise convey any such land subject to terms and
2 conditions [~~which~~] that it deems appropriate and [~~which~~] that
3 will [~~insure~~] ensure that the transferee [~~will~~] shall not use
4 the land in a manner [~~which~~] that is inconsistent with the
5 purposes for which it was acquired by the board. [~~Such~~] The
6 terms and conditions shall run with the land and shall be
7 binding on the transferee's heirs, successors, and assigns. The
8 board may seek enforcement of [~~such~~] the terms and conditions in
9 any court of appropriate jurisdiction."

10 SECTION 4. Section 173A-5, Hawaii Revised Statutes, is
11 amended by amending subsection (h) to read as follows:

12 "(h) Based on applications from state agencies, counties,
13 and nonprofit land conservation organizations, the department,
14 in consultation with the senate president and speaker of the
15 house of representatives, shall recommend to the board specific
16 parcels of land to be acquired, restricted with conservation
17 easements, or preserved in similar fashion. The board shall
18 review the selections and approve or reject the selections
19 according to the availability of moneys in the fund. To be
20 eligible for grants from the fund, state and county agencies and
21 nonprofit land conservation organizations shall submit
22 applications to the department that contain:

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

9 SECTION 5. Section 173A-9, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§173A-9 Grants to state agencies, counties, and nonprofit**
12 **land conservation organizations.** [~~Subject~~] After consultation
13 with the senate president and speaker of the house of
14 representatives, and subject to the approval of the governor,
15 the board may make grants to state agencies, counties, and
16 nonprofit land conservation organizations from available funds
17 for the purchase or acquisition of interests or rights in land
18 having value as a resource to the State, whether in fee title or
19 through the purchase of permanent conservation easements under
20 chapter 198, and approved for purchase or acquisition by the
21 board. Any land so acquired by any state agency or county may
22 be sold, leased, or otherwise disposed of, subject to chapter

1 171, with the prior written approval of the board. Any land
2 acquired by any nonprofit land conservation organization under
3 this chapter may be sold, leased, or otherwise disposed of with
4 the prior written approval of the board. Any permanent
5 conservation easement established under this section that
6 includes partnership with a federal land conservation program
7 may be transferred only as provided by rules of the federal
8 program."

9 SECTION 6. There is appropriated out of the land
10 conservation fund of the State of Hawaii the sum of \$1,100,000
11 or so much thereof as may be necessary for fiscal year 2006-2007
12 for the purchase of agriculture easements to protect farm and
13 ranch lands throughout the state. This appropriation shall use
14 and preserve federal farm and ranch land protection program
15 funding for agricultural and cultural lands in Hawaii.

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

18 SECTION 7. In codifying the new sections added by section
19 1 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on July 1, 2006.

Report Title:

Department of Land and Natural Resources; Land Conservation Fund

Description:

Creates a legacy land conservation commission to assist DLNR and BLNR. Establishes priorities for land and easement acquisitions with moneys from the fund. 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. (CD1)

