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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. 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-2, Hawaii Revised Statutes, is  
21 amended by adding a new definition to be appropriately inserted  
22 and to read as follows:



1        ""Legacy land commission" or "commission" means the legacy  
2 land conservation commission established in section 173A-A."

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

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

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

18        "[+]§173A-4[+]    **Authority to acquire and convey[~~-~~];**  
19 **legislative review of acquired lands; report to legislature.**

20        (a) [~~Subject to the approval of the governor,7~~] In consultation  
21 with the commission, the board may acquire, by purchase, gift,  
22 or the exercise of the power of eminent domain as authorized by

1 chapter 101, any land having value as a resource to the State.

2 Such acquisition is hereby declared to be for a public use.

3 Any land acquired under this section shall be subject to  
4 disapproval by the legislature by two-thirds vote of either the  
5 senate or the house of representatives or by majority vote of  
6 both in any regular or special session following the date of the  
7 exchange. The department shall submit for introduction to the  
8 legislature a resolution twenty days prior to the start of any  
9 regular or special session. The resolution shall contain a list  
10 of all acquisitions made by the board along with the following  
11 information:

- 12 (1) The location and area of the parcels acquired;  
13 (2) The value of the lands acquired;  
14 (3) The name or names of the appraiser or appraisers; and  
15 (4) The date of the appraisal, which shall not be more  
16 than six months before the date the board acquired the  
17 land.

18 (b) The board [~~may~~], subject to chapter 171, in  
19 consultation with the commission, and with the approval of the  
20 [~~governor,~~] legislature, may sell, lease, or otherwise convey  
21 any such land subject to terms and conditions [~~which~~] that it  
22 deems appropriate and [~~which~~] that will [~~insure~~] ensure that the



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

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

9 "(h) Based on applications from state agencies, counties,  
 10 and nonprofit land conservation organizations, the department,  
 11 after reviewing the advice and recommendations of the  
 12 commission, shall recommend to the board specific parcels of  
 13 land to be acquired, restricted with conservation easements, or  
 14 preserved in similar fashion. The board shall review the  
 15 selections and approve or reject the selections according to the  
 16 availability of moneys in the fund. To be eligible for grants  
 17 from the fund, state and county agencies and nonprofit land  
 18 conservation organizations shall submit applications to the  
 19 department that contain:

- 20 (1) Contact information for the project;
- 21 (2) A description of the project;
- 22 (3) The request for funding;



- 1 (4) Cost estimates for acquisition of the interest in the  
2 land;
- 3 (5) Location and characteristics of the land; and
- 4 (6) Other similar, related, or relevant information as may  
5 be determined by the department.

6 The department shall submit a report listing the board's  
7 acceptance or rejection of the commission's advice and  
8 recommendations to the legislature twenty days before the start  
9 of each regular session."

10 SECTION 6. Section 173A-9, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§173A-9 Grants to state agencies, counties, and nonprofit**  
13 **land conservation organizations.** [~~Subject~~] After consultation  
14 with the commission 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 7. In codifying the new sections added by section  
10 1 of this Act, the revisor of statutes shall substitute  
11 appropriate section numbers for the letters used in designating  
12 the new sections in this Act.

13 SECTION 8. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect upon its approval.



SB3077,SD2

**Report Title:**

Department of Land and Natural Resources; Land Conservation Fund

**Description:**

Creates a legacy land conservation commission to assist DLNR and BLNR in administering the land conservation fund; establishes priorities for land and easement acquisitions with moneys in the fund. (SD2)

