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# A BILL FOR AN ACT

RELATING TO THE LAND CONSERVATION FUND.

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

1 SECTION 1. Section 173A-5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§173A-5 Land conservation fund.** (a) A land conservation  
4 fund, hereinafter called "fund", is hereby established.

5 (b) The proceeds from the sale of any general obligation  
6 bonds, authorized and issued for purposes of this chapter, shall  
7 be deposited in or credited to the fund.

8 (c) Any net proceeds or revenue from the operation,  
9 management, sale, lease, or other disposition of land or the  
10 improvements on such land, acquired or constructed by the board  
11 under the provisions of this chapter, shall also be deposited in  
12 or credited to the fund.

13 (d) Ten per cent of all taxes imposed and collected by  
14 section 247-1 shall be deposited in or credited to the fund  
15 every year.

16 (e) Moneys from any other private or public sources may be  
17 deposited in or credited to the fund, provided that mandates,  
18 regulations, or conditions on these funds do not conflict with



1 the use of the fund under this chapter. Moneys received as  
2 deposits or private contributions shall be deposited, used, and  
3 accounted for in accordance with the conditions established by  
4 the agencies or persons making the contribution.

5 [~~e~~] (f) The fund shall be administered and managed by  
6 the department.

7 [~~f~~] (g) The acquisition of interests or rights in land  
8 having value as a resource to the State for the preservation of:

- 9 (1) Watershed protection;
- 10 (2) Coastal areas, beaches, and ocean access;
- 11 (3) Habitat protection;
- 12 (4) Cultural and historical sites;
- 13 (5) Recreational and public hunting areas;
- 14 (6) Parks;
- 15 (7) Natural areas;
- 16 (8) Agricultural production; or
- 17 (9) Open spaces and scenic resources,

18 constitutes a public purpose for which public funds may be  
19 expended or advanced.

20 [~~g~~] (h) The fund shall be used for:

- 21 (1) The acquisition of interests or rights in land having  
22 value as a resource to the State, whether in fee title



1 or through the establishment of permanent conservation  
2 easements under chapter 198 or agricultural easements;

3 (2) The payment of any debt service on state financial  
4 instruments relating to the acquisition of interests  
5 or rights in land having value as a resource to the  
6 State; ~~and~~

7 (3) Annual administration costs for the fund, not to  
8 exceed five per cent of annual fund revenues of the  
9 previous year~~[-]~~; and

10 (4) Costs related to the operation, maintenance, and  
11 management of lands acquired by way of this fund that  
12 are necessary to protect, maintain, or restore  
13 resources at risk on these lands, or that provide for  
14 greater public access and enjoyment of these lands,  
15 provided that these costs do not exceed five per cent  
16 of annual fund revenues of the previous year.

17 ~~[-h-]~~ (i) Based on applications from state agencies,  
18 counties, and nonprofit land conservation organizations, the  
19 department, in consultation with the senate president and  
20 speaker of the house of representatives, shall recommend to the  
21 board specific parcels of land to be acquired, restricted with  
22 conservation easements, or preserved in similar fashion. The



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

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

14 [~~+~~] (j) For applications approved by the board, the  
15 board may acquire land having value as a resource to the State,  
16 pursuant to section 173A-4, or the board may award grants from  
17 the fund to the qualifying state or county agencies or nonprofit  
18 land conservation organizations for the preservation of the real  
19 property. Where the recipient of a grant is a county agency or  
20 nonprofit land conservation organization, the board shall  
21 require additional matching funds of at least twenty-five per



1 cent of the total project costs. Matching funds may be in the  
2 form of:

- 3 (1) Direct moneys;
- 4 (2) A combination of public and private funds;
- 5 (3) Land value donation;
- 6 (4) In-kind contributions; or
- 7 (5) Any combination of the above,

8 and evidence of these matching funds shall be made available  
9 from the qualifying entities prior to distribution of the fund  
10 grant.

11 [~~(j)~~] (k) The board shall:

- 12 (1) Track amounts disbursed from the fund;
- 13 (2) Prepare an annual report to be transmitted to the  
14 governor and the legislature at least twenty days  
15 prior to the convening of each regular session of the  
16 legislature. The annual report shall include:
  - 17 (A) A summary of all interests or rights in land  
18 acquired during the preceding fiscal year;
  - 19 (B) A summary of what value each newly acquired land  
20 has as a resource to the State;



- 1 (C) Proposals for future land acquisitions, including  
2 a summary of the resource value that the land may  
3 possess;
- 4 (D) A financial report for the preceding fiscal year;  
5 and
- 6 (E) Objectives and budget projections for the  
7 following fiscal year; and
- 8 (3) Make copies of the annual report available to the  
9 public."

10 SECTION 2. 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.** After consultation with the  
14 senate president and speaker of the house of representatives,  
15 and subject to the approval of the governor, the board may make  
16 grants to state agencies, counties, and nonprofit land  
17 conservation organizations from available funds for the purchase  
18 or acquisition of interests or rights in land having value as a  
19 resource to the State, whether in fee title or through the  
20 purchase of permanent conservation easements under chapter 198,  
21 and approved for purchase or acquisition by the board[~~-~~], or for  
22 the operation, maintenance, and management of lands acquired



1 under this chapter that are necessary to protect, maintain, or  
2 restore resources at risk on these lands, or that provide for  
3 greater public access and enjoyment of these lands. Any land so  
4 acquired by any state agency or county may be sold, leased, or  
5 otherwise disposed of, subject to chapter 171, with the prior  
6 written approval of the board. Any land acquired by any  
7 nonprofit land conservation organization under this chapter may  
8 be sold, leased, or otherwise disposed of with the prior written  
9 approval of the board. Any permanent conservation easement  
10 established under this section that includes partnership with a  
11 federal land conservation program may be transferred only as  
12 provided by rules of the federal program."

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Land Conservation Fund

**Description:**

Allows public and private moneys to be deposited into the Land Conservation Fund (Fund) and distributed as grants for acquisition of land having value as a resource to the State, and allows moneys from the Fund to be used for the operation, maintenance, and management of the acquired lands. (SD1)

