
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[~~7~~] authorized and issued for purposes of this chapter[~~7~~]
7 shall 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~~] the land[~~7~~] acquired or constructed by
11 the board under the provisions of this chapter[~~7~~] shall also be
12 deposited in 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 source 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 a
2 deposit or private contribution shall be deposited, used, and
3 accounted for in accordance with the conditions established by
4 the agency or person 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
9 of[+] the following shall constitute a public purpose for which
10 public funds may be expended or advanced:

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

20 ~~constitutes a public purpose for which public funds may be~~
21 ~~expended or advanced].~~

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



- 1 (1) The acquisition of interests or rights in land having
2 value as a resource to the State, whether in fee title
3 or through the establishment of permanent conservation
4 easements under chapter 198 or agricultural easements;
- 5 (2) The payment of any debt service on state financial
6 instruments relating to the acquisition of interests
7 or rights in land having value as a resource to the
8 State; [~~and~~]
- 9 (3) Annual administration costs for the fund, not to
10 exceed five per cent of annual fund revenues of the
11 previous year[~~+~~]; and
- 12 (4) Costs related to the operation, maintenance, and
13 management of lands acquired by way of this fund that
14 are necessary to protect, maintain, or restore
15 resources at risk on these lands, or that provide for
16 greater public access and enjoyment of these lands;
17 provided that the costs related to the operation,
18 maintenance, and management of lands acquired by way
19 of this fund do not exceed five per cent of annual
20 fund revenues of the previous year.

21 [~~h~~] (i) Based on applications from state agencies,
22 counties, and nonprofit land conservation organizations, the



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

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

18 [~~(i)~~] (j) For applications approved by the board, the
19 board may acquire land having value as a resource to the State,
20 pursuant to section 173A-4, or the board may award grants from
21 the fund to the qualifying state or county agencies or nonprofit
22 land conservation organizations for the preservation of the real



1 property. Where the recipient of a grant is a county agency or
2 nonprofit land conservation organization, the board shall
3 require additional matching funds of at least twenty-five per
4 cent of the total project costs. Matching funds may be in the
5 form of:

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

11 ~~and evidence~~].

12 (k) Evidence of [~~these~~] the matching funds in subsection
13 (j) shall be made available from the qualifying entities prior
14 to distribution of the fund grant.

15 [~~(j)~~] (1) The board shall:

- 16 (1) Track amounts disbursed from the fund;
- 17 (2) Prepare and submit an annual report to [~~be transmitted~~
18 ~~to~~] the governor and the legislature at least twenty
19 days prior to the convening of each regular session
20 [~~of the legislature~~]. The annual report shall
21 include:



- 1 (A) A summary of all interests or rights in land
- 2 acquired during the preceding fiscal year;
- 3 (B) A summary of what value each newly acquired land
- 4 has as a resource to the State;
- 5 (C) Proposals for future land acquisitions, including
- 6 a summary of the resource value that the land may
- 7 possess;
- 8 (D) A financial report for the preceding fiscal year;
- 9 and
- 10 (E) Objectives and budget projections for the
- 11 following fiscal year; and
- 12 (3) Make copies of the annual report available to the
- 13 public."

14 SECTION 2. Section 173A-9, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 **"§173A-9 Grants to state agencies, counties, and nonprofit**
 17 **land conservation organizations.** After consultation with the
 18 senate president and speaker of the house of representatives,
 19 and subject to the approval of the governor, the board may make
 20 grants to state agencies, counties, and nonprofit land
 21 conservation organizations from available funds for the purchase
 22 or acquisition of interests or rights in land having value as a



1 resource to the State, whether in fee title or through the
2 purchase of permanent conservation easements under chapter 198,
3 and approved for purchase or acquisition by the board[-], or for
4 the operation, maintenance, and management of lands acquired
5 under this chapter that are necessary to protect, maintain, or
6 restore resources at risk on these lands, or that provide for
7 greater public access and enjoyment of these lands. Any land so
8 acquired by any state agency or county may be sold, leased, or
9 otherwise disposed of, subject to chapter 171, with the prior
10 written approval of the board. Any land acquired by any
11 nonprofit land conservation organization under this chapter may
12 be sold, leased, or otherwise disposed of with the prior written
13 approval of the board. Any permanent conservation easement
14 established under this section that includes partnership with a
15 federal land conservation program may be transferred only as
16 provided by rules of the federal program."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 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 and distributed as grants for the acquisition of land having value as a resource to the State. Allows moneys from the land conservation fund to be used for the operation, maintenance, and management of the acquired lands. (SB3102 SD2)

