

---

---

## A BILL FOR AN ACT

RELATING TO LAND CONSERVATION.

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

1           SECTION 1. Recognizing the value of Hawaii's natural  
2 resources to its economy, culture, and quality of life, the  
3 legislature passed Act 156, Session Laws of Hawaii 2005, to  
4 preserve, protect, and enhance the state's land, coastal areas,  
5 and natural resources, and provide a permanent adequate funding  
6 source for that purpose. Through the legacy lands program  
7 established in Act 156, to date, over two thousand five hundred  
8 acres of land have been acquired across five islands to protect  
9 lands having natural, environmental, recreational, scenic, or  
10 historic value to the state. The different types of lands  
11 acquired have been diverse and range from native forest and  
12 habitat and agricultural lands to coastal bays and cave tunnels.  
13 While the program has been successful, many threatened resources  
14 and habitats could not be acquired due to a lack of sufficient  
15 funding. The legislature finds that it is in the best interests  
16 of the people of Hawaii to continue to ensure adequate funding  
17 for this program.



1           The purpose of this Act is to increase the percentage of  
2 conveyance taxes to be deposited into the land conservation fund  
3 from ten to twenty per cent.

4           SECTION 2. Section 173A-2, Hawaii Revised Statutes, is  
5 amended by adding a new definition to be appropriately inserted  
6 and to read as follows:

7           "Fund" means the land conservation fund."

8           SECTION 3. Section 173A-5, Hawaii Revised Statutes, is  
9 amended as follows:

10          1. By amending subsection (a) to read:

11          "(a) [A] The land conservation fund[, ~~hereinafter called~~  
12 ~~"fund",~~] is hereby established."

13          2. By amending subsection (d) to read:

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

17          3. By amending subsection (h) to read:

18          "(h) The fund shall be used for:

19          (1) The acquisition of interests or rights in land having  
20 value as a resource to the State, whether in fee title  
21 or through the establishment of permanent conservation  
22 easements under chapter 198 or agricultural easements;



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

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

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

17          SECTION 4. Section 247-7, Hawaii Revised Statutes, is  
18          amended to read as follows:

19                "**§247-7 Disposition of taxes.** All taxes collected under  
20          this chapter shall be paid into the state treasury to the credit  
21          of the general fund of the State, to be used and expended for



1 the purposes for which the general fund was created and exists  
2 by law; provided that of the taxes collected each fiscal year:

3 (1) [~~Ten~~] Twenty per cent shall be paid into the land  
4 conservation fund established pursuant to section  
5 173A-5;

6 (2) Thirty per cent shall be paid into the rental housing  
7 trust fund established by section 201H-202; and

8 (3) Twenty-five per cent shall be paid into the natural  
9 area reserve fund established by section 195-9;

10 provided that the funds paid into the natural area  
11 reserve fund shall be annually disbursed by the  
12 department of land and natural resources in the  
13 following priority:

14 (A) To natural area partnership and forest  
15 stewardship programs after joint consultation  
16 with the forest stewardship committee and the  
17 natural area reserves system commission;

18 (B) Projects undertaken in accordance with watershed  
19 management plans pursuant to section 171-58 or  
20 watershed management plans negotiated with  
21 private landowners, and management of the natural



1 area reserves system pursuant to section 195-3;



2 and

3 (C) The youth conservation corps established under  
4 chapter 193."

5 SECTION 5. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

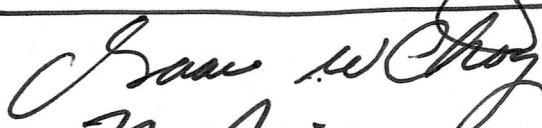

7 SECTION 6. This Act shall take effect on July 1, 2009.  
8

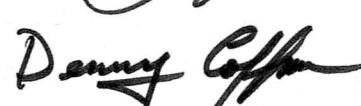
INTRODUCED BY:







JAN 26 2009



**Report Title:**

Land Conservation Fund

**Description:**

Increases the percentage of conveyance taxes to be deposited into the Land Conservation Fund from 10 to 20 percent.

