



GOV. MSG. NO. 1387

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 06, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 06, 2012, the following bill was signed into law:

SB2378 SD1 HD1 CD1

RELATING TO LEGACY LANDS.
Act 284 (12)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUL 6 2012

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 284

S.B. NO. 2378
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO LEGACY LANDS.

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

1 SECTION 1. Section 173A-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§173A-4 Authority to acquire and convey[-]; easement**

4 **required and exemption.** (a) In consultation with the senate
5 president and speaker of the house of representatives, the board
6 may acquire, by purchase, gift, or the exercise of the power of
7 eminent domain as authorized by chapter 101, any land having
8 value as a resource to the State. Such acquisition is hereby
9 declared to be for a public use.

10 (b) The board may, subject to chapter 171, in consultation
11 with the senate president and speaker of the house of
12 representatives, and with the approval of the governor, sell,
13 lease, or otherwise convey any such land subject to terms and
14 conditions that it deems appropriate and that will ensure that
15 the transferee shall not use the land in a manner that is
16 inconsistent with the purposes for which it was acquired by the
17 board. The terms and conditions shall run with the land and
18 shall be binding on the transferee's heirs, successors, and



1 assigns. The board may seek enforcement of the terms and
2 conditions in any court of appropriate jurisdiction.

3 (c) The board [~~may,~~] shall, in consultation with the
4 senate president and the speaker of the house of
5 representatives, require as a condition of the receipt of funds
6 that state[~~,~~] and county[~~,~~ ~~and nonprofit land conservation~~
7 ~~organizations~~] agencies receiving funds under this chapter
8 provide a conservation easement under chapter 198, or an
9 agricultural easement or deed restriction or covenant to the
10 department of land and natural resources; the department of
11 agriculture; the agribusiness development corporation; the
12 public land development corporation; an appropriate land
13 conservation organization; or a county, state, or federal
14 natural resource conservation agency, that shall run with the
15 land and be recorded with the land to ensure the long-term
16 protection of land having value as a resource to the State and
17 preserve the interests of the State. The board shall require as
18 a condition of the receipt of funds that it be an owner of any
19 such conservation easement.

20 (d) The board shall, in consultation with the senate
21 president and the speaker of the house of representatives,
22 require as a condition of the receipt of funds that nonprofit



1 land conservation organizations receiving funds under this
2 chapter provide a conservation easement under chapter 198, or an
3 agricultural easement or deed restriction or covenant to the
4 department of land and natural resources; the department of
5 agriculture; the agribusiness development corporation; the
6 public land development corporation; an appropriate land
7 conservation agency; or an appropriate county, state, or federal
8 natural resource conservation agency, that shall run with the
9 land and be recorded with the land to ensure the long-term
10 protection of land having value as a resource to the State and
11 preserve the interests of the State. The board shall require as
12 a condition of the receipt of funds that it be an owner of any
13 such conservation easement.

14 (e) The board or an appropriate land conservation
15 organization or county, state, or federal agency required to be
16 provided an easement pursuant to this section may grant an
17 exemption for any easement required pursuant to this section."

18 SECTION 2. Section 173A-5, Hawaii Revised Statutes, is
19 amended by amending subsection (i) to read as follows:

20 "(i) Based on applications from state agencies, counties,
21 and nonprofit land conservation organizations, the department,
22 in consultation with the senate president and speaker of the



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

- 9 (1) Contact information for the project;
- 10 (2) A description of the project;
- 11 (3) The request for funding;
- 12 (4) Cost estimates for acquisition of the interest in the
13 land;
- 14 (5) Location and characteristics of the land; [~~and~~]
- 15 (6) The project's public benefits, including but not
16 limited to where public access may be practicable or
17 not practicable and why;
- 18 (7) Results of the applicant's consultation with the staff
19 of the department, the department of agriculture, the
20 agribusiness development corporation, and the public
21 land development corporation regarding the



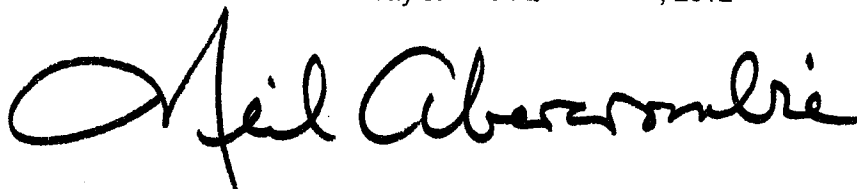
1 maximization of public benefits of the project, where
2 practicable; and

3 ~~[(6)]~~ (8) Other similar, related, or relevant information
4 as determined by the department."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 6 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII