

JAN 20 2012

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

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



1           "§173A-5 Land conservation fund. (a) A land conservation  
2 fund, hereinafter called "fund", is hereby established.

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

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

11           (d) The appropriate percentage identified under section  
12 247-7 of all taxes imposed and collected under chapter 247 shall  
13 be deposited in or credited to the fund every fiscal year.

14           (e) Moneys from any other private or public source may be  
15 deposited in or credited to the fund; provided that mandates,  
16 regulations, or conditions on these funds do not conflict with  
17 the use of the fund under this chapter. Moneys received as a  
18 deposit or private contribution shall be deposited, used, and  
19 accounted for in accordance with the conditions established by  
20 the agency or person making the contribution.

21           (f) The fund shall be administered and managed by the  
22 department.



1 (g) The acquisition of interests or rights in land having  
2 value as a resource to the State for the preservation of the  
3 following shall constitute a public purpose for which public  
4 funds may be expended or advanced:

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

15 (h) The fund shall be used for:

- 16 (1) The acquisition of interests or rights in land having  
17 value as a resource to the State, whether in fee title  
18 or through the establishment of permanent conservation  
19 easements under chapter 198 or agricultural easements;
- 20 (2) The payment of any debt service on state financial  
21 instruments relating to the acquisition of interests



1 or rights in land having value as a resource to the  
2 State;

3 (3) Annual administration costs for the fund, not to  
4 exceed five per cent of annual fund revenues of the  
5 previous year;

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

15 (5) Invasive species control and mitigation by the  
16 invasive species council under chapter 194; and

17 (6) Reforestation and sediment run-off mitigation.

18 (i) Based on applications from [~~state agencies, counties,~~  
19 ~~and nonprofit land conservation organizations,~~] the department,  
20 department of agriculture, agribusiness development corporation,  
21 and public land development corporation, the department, in  
22 consultation with the senate president and speaker of the house



1 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~~  
7 ~~and nonprofit land conservation organizations~~] the department,  
8 department of agriculture, agribusiness development corporation,  
9 and public land development corporation shall submit  
10 applications to the department that contain:

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

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



1 ~~conservation organizations]~~ department, department of  
2 agriculture, agribusiness development corporation, and public  
3 land development corporation for the preservation of the real  
4 property. [~~Where the recipient of a grant is a county agency or~~  
5 ~~nonprofit land conservation organization, the board shall~~  
6 ~~require additional matching funds of at least twenty five per~~  
7 ~~cent of the total project costs. Matching funds may be in the~~  
8 ~~form of:~~

- 9       ~~(1) Direct moneys;~~  
10       ~~(2) A combination of public and private funds;~~  
11       ~~(3) Land value donation;~~  
12       ~~(4) In-kind contributions; or~~  
13       ~~(5) Any combination of the above.~~  
14       ~~(k) Evidence of the matching funds in subsection (j) shall~~  
15 ~~be made available by the qualifying entities prior to~~  
16 ~~distribution of the fund grant.~~

- 17       ~~(1)]~~ (k) The board shall:  
18       (1) Track amounts disbursed from the fund;  
19       (2) Prepare and submit an annual report to the governor  
20             and the legislature at least twenty days prior to the  
21             convening of each regular session. The annual report  
22             shall 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 3. Section 173A-9, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§173A-9 Grants to [~~state agencies, counties, and~~  
17 ~~nonprofit land conservation organizations.~~] the department,  
18 department of agriculture, agribusiness development corporation,  
19 and public land development corporation. After consultation  
20 with the senate president and speaker of the house of  
21 representatives, and subject to the approval of the governor,  
22 the board may make grants to [~~state agencies, counties, and~~



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





1 SECTION 4. Section 173A-10, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§173A-10 Proceeds of sale, lease, or other disposition.

4 Whenever any such land is sold by [~~any state agency, county, or~~  
5 ~~nonprofit land conservation organization,~~] the department,  
6 department of agriculture, agribusiness development corporation,  
7 or public land development corporation, that portion of the net  
8 proceeds (sale price less actual expenses of sale) of such sale  
9 equal to the proportion that the grant by the State bears to the  
10 original cost of the land or other property shall be paid to the  
11 State. In the event any such land or other property is leased,  
12 rented, or otherwise disposed of, that portion of the rental or  
13 proceeds equal to the proportion that the grant by the State  
14 bears to the original cost of the land or other property shall  
15 be paid to the State. Any proceeds received by the State  
16 pursuant to this section that were originally paid out of the  
17 fund pursuant to section 173A-9 shall be redeposited in or  
18 credited to the fund. This section shall not apply to rents of  
19 property protected by permanent conservation easements  
20 established by grants from the fund."

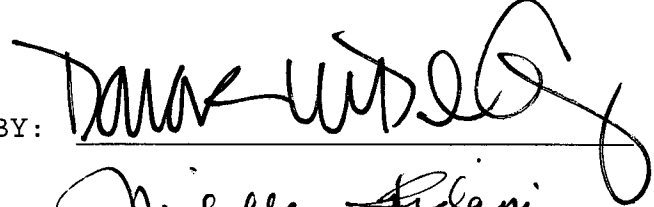
21 SECTION 5. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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# S.B. NO. 2378

**Report Title:**

Legacy Land Acquisitions

**Description:**

Allows for the acquisition of lands through the legacy conservation fund for regulatory functions of the state. Restricts the application for and granting of legacy land funding to the department of land and natural resources, department of agriculture, agribusiness development corporation, and public land development corporation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

