
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.



Report Title:

Legacy Land Acquisitions

Description:

Allows the board or appropriate agency receiving an easement to exempt easement requirements. Adds the department of land and natural resources, department of agriculture, agribusiness development corporation, and public land development corporation to the agencies that may be granted easements by state or county agencies and nonprofit land conservation organizations receiving funds under the legacy lands program. Requires the board of land and natural resources to be made an owner of any conservation easement provided by a state or county agency or nonprofit land conservation organization as a condition for receipt of funding under the legacy lands program. Requires applicants for legacy land funds to submit the project's public benefit and to consult with the staff of the department of land and natural resources, the department of agriculture, the agribusiness development corporation, and the public land development corporation. (CD1)

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