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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 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~~], in consultation with the senate  
4 president and the speaker of the house of representatives, shall  
5 require as a condition of the receipt of funds that state[~~7~~] and  
6 county[~~7~~ ~~and nonprofit land conservation organizations~~] agencies  
7 receiving funds under this chapter provide a conservation  
8 easement under chapter 198, or an agricultural easement or deed  
9 restriction or covenant, to an appropriate land conservation  
10 organization or county, state, or federal natural resource  
11 conservation agency, that shall run with the land and be  
12 recorded with the land to ensure the long-term protection of  
13 land having value as a resource to the State and preserve the  
14 interests of the State. The board shall require as a condition  
15 of the receipt of funds that the board be a full or partial  
16 owner of the conservation easement.

17 (d) The board, in consultation with the senate president  
18 and the speaker of the house of representatives, shall require  
19 as a condition of the receipt of funds that nonprofit land  
20 conservation organizations receiving funds under this chapter  
21 shall provide either full or partial ownership of a conservation  
22 easement under chapter 198 to an appropriate county, state, or



1 federal natural resource conservation agency, that shall run  
2 with the land and be recorded with the land to ensure the long-  
3 term protection of land having value as a resource to the State  
4 and preserve the interests of the State. The board shall  
5 require as a condition of the receipt of funds that the board be  
6 a full or partial owner of the conservation easement.  
7 Additionally, the board shall require as a condition of the  
8 receipt of funds a deed restriction or covenant, that shall run  
9 with the land and be recorded with the land to ensure the long-  
10 term protection of land having value as a resource to the State  
11 and preserve the interests of the State.

12 (e) The board may grant an exemption for any required  
13 easement pursuant to this section."

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

16 "(i) Based on applications from state agencies, counties,  
17 and nonprofit land conservation organizations, the department,  
18 in consultation with the senate president and speaker of the  
19 house of representatives, shall recommend to the board specific  
20 parcels of land to be acquired, restricted with conservation  
21 easements, or preserved in similar fashion. The board shall  
22 review the selections and approve or reject the selections



1 according to the availability of moneys in the fund. To be  
2 eligible for grants from the fund, state and county agencies and  
3 nonprofit land conservation organizations shall submit  
4 applications to the department that contain:

- 5 (1) Contact information for the project;
- 6 (2) A description of the project;
- 7 (3) The request for funding;
- 8 (4) Cost estimates for acquisition of the interest in the  
9 land;
- 10 (5) Location and characteristics of the land; [~~and~~]
- 11 (6) The project's public benefits, including but not  
12 limited to where public access may be practicable or  
13 not practicable and why;
- 14 (7) Results of the applicant's consultation with the staff  
15 of the department, the department of agriculture, the  
16 agribusiness development corporation, and the public  
17 land development corporation regarding the  
18 maximization of public benefits of the project, where  
19 practicable; and
- 20 [+6+] (8) Other similar, related, or relevant information  
21 as determined by the department."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2030.



**Report Title:**

Legacy Land Acquisitions

**Description:**

Requires nonprofit land conservation organizations to provide, in addition to a conservation easement, a deed restriction or covenant, as a condition to the receipt of funds under the legacy land program. Requires the Board of Land and Natural Resources to be made a full or partial owner of any conservation provided by a state or county agency or nonprofit land conservation organization as a condition for receipt of funding under the legacy lands program. Allows for the exemption of the easement requirements by the board. 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. Effective July 1, 2030. (SB2378 HD1)

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

