
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 an
10 appropriate land conservation organization or county, state, or
11 federal natural resource conservation agency, that shall run
12 with the land and be recorded with the land to ensure the long-
13 term protection of land having value as a resource to the State
14 and preserve the interests of the State. The board shall
15 require as a condition of the receipt of funds that it be a full
16 or partial owner of any such conservation easement.

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



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



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. (SD1)

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

