
A BILL FOR AN ACT

RELATING TO THE LEGACY LAND CONSERVATION PROGRAM.

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, deed**
4 **restriction, or covenant required [and]; exemption.** (a) In

5 consultation with the senate president and speaker of the house
6 of representatives, the board may acquire, by purchase, gift, or
7 the exercise of the power of eminent domain as authorized by
8 chapter 101, any land having value as a resource to the State.
9 Such acquisition is hereby 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 shall, 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 and
6 county agencies receiving funds under this chapter provide a
7 conservation easement under chapter 198, or an agricultural
8 easement or deed restriction or covenant to the department of
9 land and natural resources; the department of agriculture; the
10 agribusiness development corporation; the public land
11 development corporation; an appropriate land conservation
12 organization; or [~~a county,~~] an appropriate state [~~, or federal~~
13 ~~natural resource conservation~~] agency, that shall run with the
14 land and be recorded with the land to ensure the long-term
15 protection of land having value as a resource to the State and
16 preserve the interests of the State. The board shall require as
17 a condition of the receipt of funds that it be an owner of any
18 such conservation or agricultural easement [~~-~~], deed restriction,
19 or covenant.

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~~
8 ~~federal natural resource conservation~~] agency, 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. The board shall
12 require as a condition of the receipt of funds that it be an
13 owner of any such conservation or agricultural easement[~~or~~], deed
14 restriction, or covenant.

15 (e) The board or an appropriate land conservation
16 organization or [~~county,~~] state[~~, or federal~~] agency required to
17 be provided an easement, deed restriction, or covenant pursuant
18 to this section may grant an exemption for any easement, deed
19 restriction, or covenant required pursuant to this section.

20 (f) State agencies shall adopt rules pursuant to chapter
21 91 necessary to implement this section."



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 Statutory material to be repealed is bracketed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

3 SECTION 3. This Act shall take effect upon its approval.

4



Report Title:

Legacy Land Conservation Program; Grant Awards; Easement; Deed Restriction; Covenant

Description:

Repeals the requirement that state and county agencies and nonprofit land conservation organizations that receive legacy land funding must provide easements, deed restrictions, or covenants to county and federal natural resource conservation agencies. (SD1)

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