

ACT 145

H.B. NO. 402

A Bill for an Act Relating to the Land Conservation Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 173A-5, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) The fund shall be used for:

- (1) The acquisition of interests or rights in land having value as a resource to the State, whether in fee title or through the establishment of permanent conservation easements under chapter 198~~;~~ and or agricultural easements;
- (2) The payment of any debt service on state financial instruments relating to the acquisition of interests or rights in land having value as a resource to the State; and
- ~~(2)~~ (3) Annual administration costs for the fund, not to exceed five per cent of annual fund revenues of the previous year.”

SECTION 2. Section 198-1, Hawaii Revised Statutes, is amended to read as follows:

“**§198-1 Conservation easement defined.** For the purposes of this chapter, a “conservation easement” is an interest in real property created by deed, restrictions, covenants, or conditions, the purpose of which is to:

- (1) Preserve and protect land predominantly in its natural, scenic, forested, or open-space condition;
- (2) Preserve and protect the structural integrity and physical appearance of cultural landscapes, resources, and sites which perpetuate indigenous native Hawaiian culture; [or]

- (3) Preserve and protect historic properties as defined in section 6E-2, and traditional and family cemeteries~~[-];~~ or
- (4) Preserve and protect land for agricultural use.’’

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on July 1, 2007.

(Approved June 6, 2007.)