
A BILL FOR AN ACT

RELATING TO THE EXPENDITURE OF PUBLIC FUNDS FOR LAND
IMPROVEMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 37, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§37- Expenditure of public funds for improvements to
5 non-public lands; prohibitions. (a) All public moneys expended
6 for any improvement to land not owned or leased by the State
7 shall be appropriated by the legislature for that specific
8 purpose. Any act appropriating moneys that are subject to this
9 section shall include a declaration of the public purpose
10 regarding the appropriation. This subsection shall not apply to
11 any:

12 (1) Appropriation of moneys to be expended for a natural
13 resource management project or cultural resource
14 management project; or

15 (2) State grant, including any grant made pursuant to
16 chapter 42F.



1 (b) The expenditure of public moneys for any improvement
2 to land not owned or leased by the State for which the source of
3 funding is:

4 (1) An appropriation of moneys to be expended for a
5 natural resource management project or cultural
6 resource management project; or

7 (2) A state grant, including any grant made pursuant to
8 chapter 42F,

9 shall not be authorized unless the expending department or
10 agency approves a restrictive covenant that acknowledges the
11 State's right to receive compensation for its expenditure if the
12 improvement to the land is abandoned or not completed.

13 The restrictive covenant shall be filed and executed by the
14 recipient of the appropriation or grant.

15 (c) As used in this section:

16 "Cultural resource management" means the identification,
17 protection, or use of traditional cultural properties,
18 archaeological sites, or historic structures that are
19 significant to the State's indigenous people and other cultural
20 groups, for the purpose of preserving or protecting those
21 resources for future generations, engaging in traditional and



1 customary practices, or promoting a greater understanding and
2 appreciation of the State's cultural heritage.

3 "Improvement" means any physical improvement, including any
4 building, structure, road, walkway, driveway, sidewalk, utility
5 line, underground cable or pipe, grading, trenching, or
6 landscaping.

7 "Natural resource management" means the protection and use
8 of land, water, air, minerals, energy, or wildlife to ensure
9 their long-term sustainability and use for the benefit of future
10 generations, including the activities of conservation,
11 protection, restoration, and sustainability."

12 SECTION 2. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on June 30, 3000.



Report Title:

Public Moneys; Land; Improvement

Description:

Requires generally that the expenditure of public moneys for any improvement to land not owned or leased by the State must be appropriated by the legislature for that specific purpose and include a declaration in the same act of the public purpose regarding the appropriation of the public moneys. Provides that any expenditure of public moneys for the improvement to land not owned or leased by the State and involving natural or cultural resource management or a state grant is unauthorized unless the expending agency approves a restrictive covenant that acknowledges the State's right to receive compensation for its expenditure if the improvement to the land is abandoned or not completed. Requires the recipient of the appropriation or grant to file and execute the restrictive covenant. Effective 6/30/3000. (HD1)

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