

JAN 23 2026

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# A BILL FOR AN ACT

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RELATING TO LAND GRANTS.

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

1       SECTION 1. Section 171-64.7, Hawaii Revised Statutes, is  
2 amended as follows:

3       1. By amending subsections (b) and (c) to read:

4       "(b) Notwithstanding any law to the contrary, no sale of  
5 lands described in subsection (a) in fee simple including land  
6 sold for roads and streets, ~~[or]~~ gift of lands described in  
7 subsection (a) in fee simple to the extent such gift is  
8 otherwise permitted by law, or acquisition of lands described in  
9 subsection (a) by a nonprofit organization in any transaction  
10 that involves a grant from the land conservation fund, shall  
11 occur without the prior approval of the sale ~~[or]~~, gift, or  
12 acquisition, by the legislature by concurrent resolution to be  
13 adopted by each house by at least a two-thirds majority vote of  
14 the members to which each house is entitled in a regular or  
15 special session at which a concurrent resolution is submitted  
16 for approval of the sale~~[+]~~, gift, or acquisition; provided that  
17 the provisions of this section shall not apply to remnants, as



1 that term is defined in section 171-52, or portions thereof;  
2 provided further that this section shall not apply to the  
3 issuance of licenses, permits, easements, and leases executed in  
4 conformance with the laws applicable to the lands listed in  
5 subsection (a); provided further that this section shall not  
6 apply to non-ceded lands conveyed to the ~~[University]~~ university  
7 of Hawaii after December 31, 1989, to which the ~~[University]~~  
8 university of Hawaii holds title; provided further that this  
9 section shall not apply to reserved housing, as that term is  
10 defined in section 206E-101, conveyed by the Hawaii community  
11 development authority.

12 (c) The state department or agency proposing to sell or  
13 give any state land described in subsection (a), or to provide  
14 any moneys from the land conservation fund to a nonprofit  
15 organization for the acquisition of any land described in  
16 subsection (a), shall submit for introduction to the legislature  
17 a concurrent resolution for review of the proposed sale ~~[or]~~,  
18 gift~~[-]~~, or acquisition. The concurrent resolution shall  
19 contain a list of all sales ~~[or]~~ of, gifts of, or acquisitions  
20 by nonprofit organizations regarding state land proposed by the  
21 state department or agency. The concurrent resolution shall



1 contain the following information[+] regarding the state land  
2 proposed to be disposed of through sale, gift, or acquisition by  
3 a nonprofit organization:

4 (1) The specific location and size in square feet or in  
5 other precise measure of the parcels of the land [~~to~~  
6 ~~be sold or given~~];

7 (2) The appraisal value of the land [~~to be sold or given~~];

8 (3) The names of all appraisers performing appraisals of  
9 the land [~~to be sold or given~~];

10 (4) The date of the appraisal valuation;

11 (5) The purpose for [~~which the land is being sold or~~  
12 ~~given~~] each sale, gift, or acquisition by a nonprofit  
13 organization;

14 (6) A detailed summary of any development plans for the  
15 land [~~to be sold or given~~]; and

16 (7) A statement of whether the land [~~is, or is not, land~~  
17 ~~that~~] was classed as government or crown lands  
18 previous to August 15, 1895, or was acquired by the  
19 State in exchange for [~~such~~] those lands, and a  
20 detailed explanation of how the state department or  
21 agency made this determination.



1 A draft of the concurrent resolution for the prior approval  
2 of a sale or gift of land, or of an acquisition of land by a  
3 nonprofit organization in any transaction that involves a grant  
4 from the land conservation fund, shall also be submitted to the  
5 office of Hawaiian affairs at least three months [~~prior to~~]  
6 before the convening of a regular or special session of the  
7 legislature to allow the office to determine whether the land  
8 was classed as government or crown lands previous to August 15,  
9 1895, or was acquired by the State in exchange for [~~such~~] those  
10 lands."

11 2. By amending subsection (e) to read:

12 "(e) [~~Prior to~~] Before finalizing any proposal for the  
13 sale or gift of lands described in subsection (a), or for the  
14 acquisition of land described in subsection (a) by a nonprofit  
15 organization in any transaction that involves a grant from the  
16 land conservation fund, to a person or entity other than the  
17 State, its agencies, or its entities, and prior to submission of  
18 the concurrent resolution to the legislature under subsection  
19 (c), the State, agency, or entity, as appropriate, shall hold an  
20 informational briefing on the proposed sale [~~or~~], gift, or  
21 acquisition in the community where the land [~~to be sold or~~



1 ~~given]~~ proposed to be disposed of through sale, gift, or  
2 acquisition by a nonprofit organization is located."

3 SECTION 2. Section 173A-2.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"[~~§~~§173A-2.5[~~}]~~ Responsibilities of the legacy land**  
6 **conservation commission.** The responsibilities of the commission  
7 shall include, but not be limited to:

8 (1) Advising the department and the board on any proposal,  
9 public or private, for the acquisition of any interest  
10 or rights in land having value as a resource to the  
11 State;

12 (2) Advising the department and the board on any requests  
13 for grants from the fund to a qualifying state or  
14 county agency or nonprofit [~~land conservation~~]  
15 organization for the preservation of lands having  
16 value as a resource to the State;

17 (3) Recommending to the board the acquisition of interests  
18 or rights in certain lands having value as a resource  
19 to the State; and

20 (4) Reviewing and adopting rules relating to the criteria  
21 it applies in advising the department and the board



1 and making recommendations to the board regarding land  
2 acquisitions and grants made pursuant to this  
3 chapter."

4 SECTION 3. Section 173A-4, Hawaii Revised Statutes, is  
5 amended as follows:

6 1. By amending subsection (b) to read:

7 "(b) [~~The board may, subject to chapter 171, in~~] In  
8 consultation with the senate president and the speaker of the  
9 house of representatives, and with the approval of the governor,  
10 the board may sell, lease, or otherwise convey any [~~such~~] state  
11 land, subject to chapter 171 and to terms and conditions that it  
12 deems appropriate and that will ensure that the transferee shall  
13 not use the land in a manner that is inconsistent with the  
14 purposes for which it was acquired by the board~~[-]~~; provided  
15 that no conveyance of state land that involves moneys from the  
16 land conservation fund shall be made to a nonprofit organization  
17 without prior legislative approval pursuant to section 171-64.7.  
18 The terms and conditions shall run with the land and shall be  
19 binding on the transferee's heirs, successors, and assigns. The  
20 board may seek enforcement of the terms and conditions in any  
21 court of appropriate jurisdiction."



2. By amending subsection (d) to read:

"(d) [~~The board, in~~] In consultation with the senate president and the speaker of the house of representatives, the board shall require as a condition of the receipt of funds that nonprofit [~~land conservation~~] organizations receiving funds under this chapter provide a conservation easement under chapter 198, or an agricultural easement [~~or~~], deed restriction, or covenant to the department of land and natural resources; the department of agriculture and biosecurity; the agribusiness development corporation; an appropriate land conservation agency; or an appropriate county, state, or federal natural resource conservation agency, that shall run with the land and be recorded with the land to ensure the long-term protection of land having value as a resource to the State and to preserve the interests of the State. The board shall require as a condition of the receipt of funds that [~~it be~~] the recipient is an owner of a conservation easement."

SECTION 4. Section 173A-5, Hawaii Revised Statutes, is amended by amending subsections (i) and (j) to read as follows:

"(i) Based on applications from state agencies, counties, and nonprofit [~~land conservation~~] organizations, the department,



1 in consultation with the senate president and the speaker of the  
2 house of representatives, shall recommend to the board specific  
3 parcels of land to be acquired, restricted with conservation  
4 easements, or preserved in similar fashion. The board shall  
5 review the selections and approve or reject the selections  
6 according to the availability of moneys in the fund. To be  
7 eligible for grants from the fund, state and county agencies and  
8 nonprofit [~~land conservation~~] organizations shall submit  
9 applications to the department that contain:

- 10 (1) Contact information for the project;
- 11 (2) A description of the project;
- 12 (3) The request for funding;
- 13 (4) Cost estimates for acquisition of the interest in the  
14 land;
- 15 (5) Location and characteristics of the land;
- 16 (6) The project's public benefits, including but not  
17 limited to where public access may be practicable or  
18 not practicable and why;
- 19 (7) Results of the applicant's consultation with the staff  
20 of the department, the department of agriculture and  
21 biosecurity, and the agribusiness development





1 corporation regarding the maximization of public  
2 benefits of the project, where practicable; and

3 (8) Other similar, related, or relevant information as  
4 determined by the department.

5 (j) For applications approved by the board, the board may  
6 acquire land having value as a resource to the State, pursuant  
7 to section 173A-4, or the board may award grants from the fund  
8 to the qualifying state or county agencies or nonprofit [~~land~~  
9 ~~conservation~~] organizations for the preservation of the real  
10 property. Where the recipient of a grant is a county agency or  
11 nonprofit [~~land-conservation~~] organization, the board shall  
12 require additional matching funds of at least twenty-five per  
13 cent of the total project costs. Matching funds may be in the  
14 form of:

- 15 (1) Direct moneys;  
16 (2) A combination of public and private funds;  
17 (3) Land value donation;  
18 (4) In-kind contributions; or  
19 (5) Any combination of the above.



1       Where the recipient of a grant is a nonprofit organization,  
2       no land shall be acquired by the nonprofit organization without  
3       prior legislative approval pursuant to section 171-64.7."

4       SECTION 5. Section 173A-9, Hawaii Revised Statutes, is  
5       amended to read as follows:

6       "**§173A-9 Grants to state agencies, counties, and nonprofit**  
7       **[land conservation] organizations.** After consultation with the  
8       senate president and the speaker of the house of  
9       representatives, and subject to the approval of the governor,  
10      the board may make grants to state agencies, counties, and  
11      nonprofit ~~[land conservation]~~ organizations from available funds  
12      for ~~[the]~~:

13      (1) The purchase or acquisition of interests or rights in  
14      land having value as a resource to the State, whether  
15      in fee title or through the purchase of permanent  
16      conservation easements under chapter 198, and approved  
17      for purchase or acquisition by the board~~[7]~~; or ~~[for~~  
18      ~~the]~~

19      (2) The operation, maintenance, and management of lands  
20      acquired under this chapter that are necessary to  
21      protect, maintain, or restore resources at risk on



1           these lands, or that provide for greater public access  
2           and enjoyment of these lands~~[+]~~;

3   provided that no land shall be acquired by a nonprofit  
4   organization awarded a grant from the land conservation fund  
5   without prior legislative approval pursuant to section 171-64.7.

6   Any land so acquired by any state agency or county may be sold,  
7   leased, or otherwise disposed of, subject to chapter 171, with  
8   the prior written approval of the board. Any land acquired by  
9   any nonprofit ~~[land conservation]~~ organization under this  
10   chapter may be sold, leased, or otherwise disposed of with the  
11   prior written approval of the board. Any permanent conservation  
12   easement established under this section that includes  
13   partnership with a federal land conservation program may be  
14   transferred only as provided by rules of the federal program."

15       SECTION 6. Section 173A-10, Hawaii Revised Statutes, is  
16   amended to read as follows:

17       "**§173A-10 Proceeds of sale, lease, or other disposition.**

18   Whenever any ~~[such]~~ land acquired pursuant to 173A-9 is sold by  
19   any state agency, county, or nonprofit ~~[land conservation]~~  
20   organization, that portion of the net proceeds (sale price less  
21   actual expenses of sale) of ~~[such]~~ the sale equal to the



1 proportion that the grant by the State bears to the original  
2 cost of the land or other property shall be paid to the State.  
3 In the event any such land or other property is leased, rented,  
4 or otherwise disposed of, that portion of the rental or proceeds  
5 equal to the proportion that the grant by the State bears to the  
6 original cost of the land or other property shall be paid to the  
7 State. Any proceeds received by the State pursuant to this  
8 section that were originally paid out of the fund pursuant to  
9 section 173A-9 shall be redeposited in or credited to the fund.  
10 This section shall not apply to rents of property protected by  
11 permanent conservation easements established by grants from the  
12 fund."

13 SECTION 7. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2984

**Report Title:**

Board of Land and Natural Resources; Land Conservation Fund;  
Legislative Approval; Nonprofit Organizations; Grants; State  
Lands

**Description:**

Prohibits the acquisition of state land involving moneys from  
the Land Conservation Fund by a nonprofit organization without  
prior approval of the Legislature.

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not legislation or evidence of legislative intent.*

