

ACT 242

H.B. NO. 2238

A Bill for an Act Relating to State Parks.

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

SECTION 1. The legislature finds that Hawaii is quickly becoming more developed, as new residents and commercial enterprises utilize greater amounts of the State's limited land and resources. As the islands become increasingly developed, the legislature finds that there is an urgent need to create new state parks to preserve additional open space for the use of future generations of Hawaii residents.

The purpose of this Act is to establish a trust fund to be administered by the department of land and natural resources as part of an “acquire a park” program to acquire state park lands through the condemnation of private lands. Under this program, citizens may donate contributions to the fund that are earmarked for a specific proposed state park or for the expansion of a specific existing state park. The legislature finds that providing contributors with assurance that contributions will be utilized exclusively for specific park acquisition and expansion purposes, combined with the existing federal and state income tax deductibility of such contributions, will encourage more of Hawaii’s residents to contribute directly toward the acquisition of more open park lands for Hawaii.

SECTION 2. Chapter 184, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§184- Park acquisition trust fund; “acquire a park” program. (a) There is established in the state treasury a fund to be known as the park acquisition trust fund, which shall be administered by the department to acquire lands for the state park system through the condemnation of private lands.

(b) There shall be deposited into the fund the following:

- (1) Contributions received by the State that are designated for a particular proposed or existing park or parks;
- (2) All other gifts, bequests, appropriations, or other contributions of money or other property not otherwise conditioned; and
- (3) All interest earned or accrued on moneys in the fund.

(c) All moneys in the fund shall be expended by the department for the condemnation of private lands to:

- (1) Create new proposed state parks; and
- (2) Expand existing state parks.

(d) All contributions to the fund pursuant to subsection (b)(1) that are earmarked for a particular proposed or existing park or parks shall be expended for that purpose; provided that if no condemnation action has been initiated within five years after the receipt of that contribution, the contribution may be applied toward the condemnation for any other state park in the county for which the contribution was originally earmarked.

(e) The chairperson of the board of land and natural resources shall establish an “acquire a park” program to encourage state residents to assist in the acquisition of lands for the state park system through the condemnation of private lands. As part of this program, the chairperson shall identify and provide a description of proposed parks to be acquired by the State and advertise this information in newspapers of general circulation in the State and in the county in which the proposed park is to be situated, as well as other appropriate broadcast and electronic media, including the Internet.

(f) The chairperson of the board of land and natural resources, with the assistance of the director of taxation, shall adopt rules pursuant to chapter 91 to implement this section.”¹

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval; provided that section 2 of this Act shall apply to taxable years beginning after December 31, 1996.

(Approved June 17, 1997.)

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Note

1. Edited pursuant to HRS §23G-16.5.