

ACT 284

S.B. NO. 2378

A Bill for an Act Relating to Legacy Lands.

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

SECTION 1. Section 173A-4, Hawaii Revised Statutes, is amended to read as follows:

“§173A-4 Authority to acquire and convey[~~]; easement required and exemption.~~ (a) In consultation with the senate president and speaker of the house of representatives, the board may acquire, by purchase, gift, or the exercise of the power of eminent domain as authorized by chapter 101, any land having value as a resource to the State. Such acquisition is hereby declared to be for a public use.

(b) The board may, subject to chapter 171, in consultation with the senate president and speaker of the house of representatives, and with the approval of the governor, sell, lease, or otherwise convey any such land subject to terms and conditions that it deems appropriate and that will ensure that the transferee shall not use the land in a manner that is inconsistent with the purposes for which it was acquired by the board. The terms and conditions shall run with the land and shall be binding on the transferee's heirs, successors, and assigns. The

board may seek enforcement of the terms and conditions in any court of appropriate jurisdiction.

(c) The board ~~[may,]~~ shall, in consultation with the senate president and the speaker of the house of representatives, require as a condition of the receipt of funds that state~~;~~ and county~~], and nonprofit land conservation organizations]~~ agencies 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; the agribusiness development corporation; the public land development corporation; an appropriate land conservation organization; or a 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 preserve the interests of the State. The board shall require as a condition of the receipt of funds that it be an owner of any such conservation easement.

(d) The board shall, in consultation with the senate president and the speaker of the house of representatives, 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; the agribusiness development corporation; the public land 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 preserve the interests of the State. The board shall require as a condition of the receipt of funds that it be an owner of any such conservation easement.

(e) The board or an appropriate land conservation organization or county, state, or federal agency required to be provided an easement pursuant to this section may grant an exemption for any easement required pursuant to this section."

SECTION 2. Section 173A-5, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) Based on applications from state agencies, counties, and nonprofit land conservation organizations, the department, in consultation with the senate president and speaker of the house of representatives, shall recommend to the board specific parcels of land to be acquired, restricted with conservation easements, or preserved in similar fashion. The board shall review the selections and approve or reject the selections according to the availability of moneys in the fund. To be eligible for grants from the fund, state and county agencies and nonprofit land conservation organizations shall submit applications to the department that contain:

- (1) Contact information for the project;
- (2) A description of the project;
- (3) The request for funding;
- (4) Cost estimates for acquisition of the interest in the land;
- (5) Location and characteristics of the land; ~~[and]~~
- (6) The project's public benefits, including but not limited to where public access may be practicable or not practicable and why;
- (7) Results of the applicant's consultation with the staff of the department, the department of agriculture, the agribusiness development corporation, and the public land development corporation regard-

ing the maximization of public benefits of the project, where practicable; and
[(6)] (8) Other similar, related, or relevant information as determined by the department.”

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

SECTION 4. This Act shall take effect upon its approval.
(Approved July 6, 2012.)