Honolulu, Hawaii

MAY 0 1 2012

RE: S.B. No. 2378

> S.D. 1 H.D. 1 C.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2378, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LEGACY LANDS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- Require nonprofit land conservation organizations to provide, in addition to a conservation easement, a deed restriction or covenant that shall run with the land to ensure the long-term protection of the land and preserve the interests of the State, as a condition to the receipt of land conservation funds;
- Require the Board of Land and Natural Resources to be made a full or partial owner of any conservation easement provided as a condition for receipt of land conservation

2012-2380 SCCR SMA.doc funds but allow the Board to exempt any easement required pursuant to this measure; and

(3) Require applications for land conservation funds to include the project's public benefit and the results of the consultations with specified state departments and agencies regarding the maximization of public benefits of the project, if practical.

Your Committee on Conference finds that the legacy land program has funded a variety of positive environmental, cultural, historical, and agricultural land protection projects supported by state agencies, counties, and nonprofits. This measure establishes safeguards to ensure that legacy lands are preserved for their intended purposes.

Your Committee on Conference has amended this measure by:

- (1) Requiring nonprofit land conservation organizations to provide an agricultural easement deed restriction or covenant, or a conservation easement, rather than both, as a condition to the receipt of land conservation funds;
- (2) Adding the Department of Land and Natural Resources,
 Department of Agriculture, Agribusiness Development
 Corporation, and Public Land Development Corporation to
 the entities that may be granted easements by state or
 county agencies and nonprofit land conservation
 organizations receiving land conservation funds;
- (3) Allowing land conservation organizations or county, state, or federal agencies required to be provided easements as a condition of the receipt of land conservation funds to also exempt any easement required pursuant to this measure;
- (4) Changing the effective date to upon approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of consistency and clarity.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2378, S.D. 1, H.D. 1, as amended herein, and recommends

that it pass Final Reading in the form attached hereto as S.B. No. 2378, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

JERRY L

CHANG

Co-Chair

Chair

DONOVAN M. DELA CRUZ,

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CLARENCE K. NISHIHARA, Co-Chair

SHARON E. HAR, Co-Chair

DAVID V TGE COChair

Hawaii State Legislature

CCR 110-12

Record of Votes of a Conference Committee

SB 2378, SD 1, HD 1					Date/Time: 4-27-12 / 5:10 pm				
The recommendation of the Hou	se and S	Senate	mana	gers i	is to pass with amendments (CD).				
☐ The Committee is reconsidering	its prev	ious de	ecisio	n.					
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	Е	House Managers	A	WR	N	Е
DELA CRUZ, Donovan M., Chr.	V				CHANG, Jerry L., Co-Chr.	V			
NISHIHARA, Clarence K., Co-Chr.					TSUJI, Clift, Co-Chr.				
IGE, David Y., Co-Chr.					HAR, Sharon E., Co-Chr.	V			
SOLOMON, Malama					HASHEM, Mark J.	V			
SLOM, Sam				1	RIVIERE, Gil				1
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TOTAL	3			2	TOTAL	14			
A = Aye	WR = A	ye with	Reser	vatior	ns $N = Nay$	E = Exc	cused		
Senate Recommendation is: Adopted Not Adopted					House Recommendation is: Adopted Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
Distribution: Origin File with Conference		tee Repe	ort	Н	Yellow Pink ouse Clerk's Office Senate Clerk's Office		Gold Drafting	enrod 3 Ager	