STAND. COM. REP. NO. 230 4

Honolulu, Hawaii

FEB 1 7 2012

RE: S.B. No. 2378 S.D. 1

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

Sir:

Your Committees on Water, Land, and Housing and Agriculture, to which was referred S.B. No. 2378 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to restrict the entities that may apply for and be granted funding, and dispose of lands purchased with the funding, under chapter 173A, Hawaii Revised Statutes, the legacy land program, to the Department of Land and Natural Resources, Department of Agriculture, Agribusiness Development Corporation, and Public Land Development Corporation and to allow the acquisition of lands under the legacy land program for regulatory functions of the State.

Your Committees received testimony in support of this measure from the Agribusiness Development Corporation and Hawaii Farm Bureau Federation. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs, The Trust for Public Land, The Nature Conservancy, Maika'i Kamakani 'O Kohala, Inc., Moloka'i Land Trust, Hawaiian Islands Land Trust, Kamakani O Kohala Ohana, North Shore Community Land Trust, Conservation Council for Hawai'i, North Kohala Community Access Group, and sixteen private individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of Agriculture.

Your Committees find that the original intent of the legacy land program was to assist private land owners in the purchase of



development rights to help retain their agricultural or conservation lands. Furthermore, the program was to be used as a means to increase support and resources from the many conservation partners in the State. Through these public-private partnerships, the State would be able to broaden community support, landowner commitment, and acquire matching federal, county, and private funding where the state agencies alone would not have been able to qualify.

Accordingly, limiting the eligible applicants for funding under the program to only the Department of Land and Natural Resources, Department of Agriculture, Agribusiness Development Corporation, and Public Land Development Corporation would jeopardize the receipt of additional funding needed for worthy projects. However, your Committees are concerned with regard to the proper oversight of the program and find that it is important to ensure that legacy land is preserved for its intended purpose in the long term.

Therefore, your Committees have amended this measure by:

- (1) Deleting the restriction that only the Department of Land and Natural Resources, Department of Agriculture, Agribusiness Development Corporation, and Public Land Development Corporation may apply for funds;
- (2) Requiring nonprofit land conservation organizations to provide, in addition to a conservation easement, a deed restriction or covenant, as a condition to the receipt of funds under the legacy land program;
- (3) Requiring the Board of Land and Natural Resources to be made a full or partial owner of a conservation easement as a prerequisite to a state or county agency receiving funds;
- (4) Authorizing the Board of Land and Natural Resources to exempt the easement requirement as necessary;
- (5) Requiring applicants to submit with an application the project's public benefits and results of a consultation with the staff of the Department of Land and Natural Resources, Department of Agriculture, Agribusiness Development Corporation, and Public Land Development Corporation; and

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(6) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Housing and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2378, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2378, S.D. 1, and be referred to the Committee on Ways and Means.

> Respectfully submitted on behalf of the members of the Committees on Water, Land, and Housing and Agriculture,

CLARENCE K. NISHIHARA, Chair

## The Senate Twenty-Sixth Legislature State of Hawai'i

## Record of Votes Committee on Water, Land and Housing WLH

Bill / Resolution No.:*	Committee	Referral:	Dat	e:				
SB2378	WLH/AGL, WAM 2/9/12							
The committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
DELA CRUZ, Donovan M. (C)								
SOLOMON, Malama (VC)								
FUKUNAGA, Carol								
RYAN, Pohai		• ,		V				
SHIMABUKURO, Maile								
TOKUDA, Jill N.								
SLOM, Sam								
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TOTAL		7		<u> </u>	2			
Recommendation:  Adopted  Not Adopted								
Chair's or Designee's Signature:								
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy								

\*Only one measure per Record of Votes

## The Senate Twenty-Sixth Legislature State of Hawai'i

## Record of Votes Committee on Agriculture AGL

Bill / Resolution No.:*	Committee Referral: Date:							
5B2378	WLH/	AGL, 1	WAM	2-14	-12			
The committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
NISHIHARA, Clarence K. (C)								
KAHELE, Gilbert (VC)		V						
CHUN OAKLAND, Suzanne		_	,					
DELA CRUZ, Donovan M.		V.						
KOUCHI, Ronald D.								
SHIMABUKURO, Maile					V			
TOKUDÁ, JIII N.	<u> </u>				V			
WAKAI, Glenn		V						
SLOM, Sam								
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TOTAL		5	1	Ō	3			
Recommendation:  Adopted  Not Adopted				t				
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

\*Only one measure per Record of Votes