

STAND. COM. REP. NO.

2304

Honolulu, Hawaii

FEB 17 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

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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



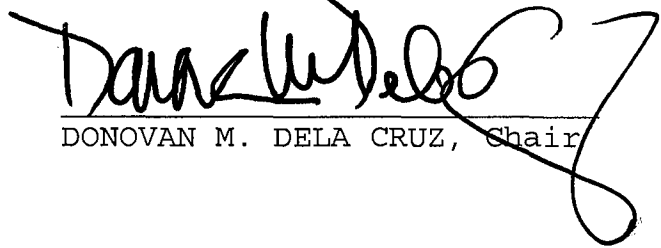
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and style.

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



DONOVAN M. DELA CRUZ, Chair





