

STAND. COM. REP. NO.

293

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 708
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Water and Land and Agriculture, to which was referred S.B. No. 708 entitled:

"A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION PROGRAM,"

beg leave to report as follows:

The purpose and intent of this measure is to require the Legacy Land Conservation Commission to recommend agricultural lands, including arable areas and areas containing existing agricultural infrastructure, as the top priority for acquisition under the legacy land conservation program.

Your Committees received testimony in support of this measure from one individual. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Conservation Council for Hawaii, Historic Hawaii Foundation, and The Nature Conservancy.

Your Committees find that the legacy land conservation program is an important state program for funding the acquisition and protection of threatened resources, including lands that are important for a variety of natural, cultural, historic, scenic, recreational, and societal values. Lands valued for agricultural production comprise the nine resource types covered by the program.

Based upon testimony on this measure, your Committees find that ranking in priority from highest to lowest the lands that



should be acquired for the legacy land conservation program may not be in the best interests to other lands not given priority although important in and of themselves.

Your Committees have amended this measure by deleting its contents and inserting language to amend section 173A-4, Hawaii Revised Statutes, to:

- (1) Repeal the requirement that state and county agencies and nonprofit land conservation organizations that receive legacy land funding must provide easements, deed restrictions, or covenants to county and federal natural resource conservation agencies;
- (2) Require as a condition of the receipt of legacy land funding that the Board of Land and Natural Resources be an owner of any conservation or agricultural easement, deed restriction, or covenant;
- (3) Authorize the Board of Land and Natural Resources or any land conservation organization or state agency required to be provided an easement, deed restriction, or covenant to grant an exemption; and
- (4) Require state agencies to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to implement section 173A-4, Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 708, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 708, 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 and Land
and Agriculture,

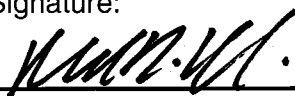

CLARENCE K. NISHIHARA, Chair


MALAMA SOLOMON, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.:* SB708	Committee Referral: WTL/AGL, WAM	Date: 8/12/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
KOUCHI, Ronald D. (VC)	/			
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
THIELEN, Laura H.		/		
WAKAI, Glenn				/
SLOM, Sam	/			
TOTAL	5	1		1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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