

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 708
S.D. 2

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

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 708, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the types of entities that are entitled to receive certain rights under the State's legacy land law and broaden the rights to which those entities are entitled.

Specifically, the measure:

- (1) Amends the types of entities that are entitled to receive a conservation or agricultural easement or deed restriction or covenant from agencies and entities that receive legacy land funding by deleting the reference to a county or federal natural resource conservation agency and broadening the scope of entitled entities to include any appropriate state agency;
- (2) Expands the conditions placed upon recipients of legacy land moneys to include naming the Board of Land and Natural Resources (Board) as an owner of any agricultural easement, deed restriction, or covenant as a condition of receipt of such moneys;



- (3) Expands the authority of the entities entitled to receive a conservation easement, to grant an exemption to legacy land moneys recipients from providing the entitled entity with an agricultural easement, deed restriction, or covenant; and
- (4) Requires state agencies to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to effectuate the administration of these requirements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee received written comments in opposition to this measure from the Trust for Public Land and one concerned individual.

Your Committee finds that the Legacy Land Fund provides grants to nonprofit land conservation organizations, state agencies, and counties for the purchase of lands that are deemed to have value as a resource to the State. Under existing law, as a condition of the receipt of funds, the Department of Land and Natural Resources requires grant recipients to abide by certain conditions. Your Committee believes that this measure will allow more flexibility regarding what types of restrictions the Board of Land and Natural Resources may require as a condition of the receipt of funds and therefore increase efficiency and productivity within the Legacy Land program.

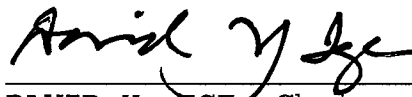
Your Committee has amended this measure by:

- (1) Clarifying that only the state agencies that are required to be provided easements, deed restrictions, or covenants must adopt rules pursuant to chapter 91, Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 708, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 708, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>SB 708, SDI</i>	Committee Referral: <i>WTL/AGL, WAM</i>	Date: <i>2-22-13</i>		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani				✓
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.		✓		
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	<i>10</i>	<i>1</i>	<i>0</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes