

Honolulu, Hawaii

MAY 01 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:

- (1) 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;
- (2) 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



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



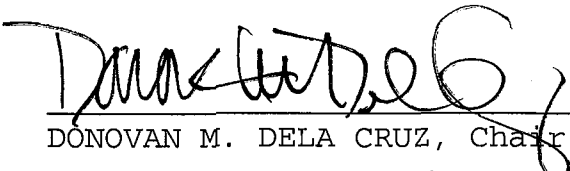
that it pass Final Reading in the form attached hereto as S.B.  
No. 2378, S.D. 1, H.D. 1, C.D. 1.

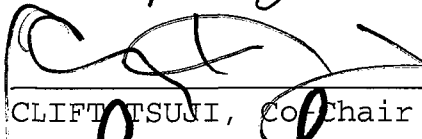
Respectfully submitted on behalf  
of the managers:


ON THE PART OF THE HOUSE

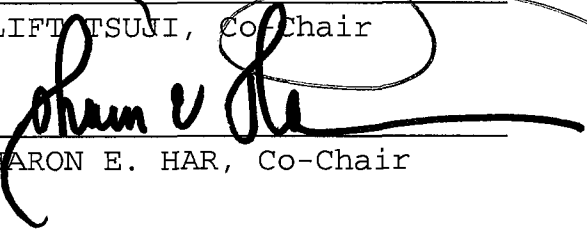
ON THE PART OF THE SENATE

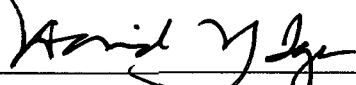
  
\_\_\_\_\_  
JERRY L. CHANG Co-Chair

  
\_\_\_\_\_  
DONOVAN M. DELA CRUZ, Chair

  
\_\_\_\_\_  
CLIFT TSUNI, Co-Chair

  
\_\_\_\_\_  
CLARENCE K. NISHIHARA, Co-Chair

  
\_\_\_\_\_  
SHARON E. HAR, Co-Chair

  
\_\_\_\_\_  
DAVID Y. IGE, Co-Chair

