

STAND. COM. REP. NO.

3060

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 2450
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Agriculture and Hawaiian Affairs and Water and Land, to which was referred H.B. No. 2450, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

beg leave to report as follows:

The purpose of this measure is to protect farming operations from urban encroachment by requiring the reclassification, into the urban and rural district, of any land that is contiguous to the agricultural district, to contain a condition that nonagricultural development shall not be permitted within a certain distance of the property line bordering a parcel in the agricultural district on which farming operations are being conducted.

Testimony in support of this measure was submitted by the Hawaii Farm Bureau Federation, Maui County Farm Bureau, Hawaii Crop Improvement Association, Hawaiian Marine Enterprises, and Lalamilo Farm Lots Association. Testimony in support of the intent of this measure was submitted by the Department of Business, Economic Development and Tourism. The University of Hawaii Environmental Center submitted comments regarding this measure. Testimony expressing concerns about this measure was submitted by Hawaii's Thousand Friends. Testimony in opposition to this measure was submitted by the City and County of Honolulu Department of Planning and Permitting, Land Use Research Foundation of Hawaii and Hawaii Reserves, Inc. The Department of Agriculture testified in support of the protection of agricultural



operations from nuisance complaints as provided in the Right to Farm Act.

The Land Use Research Foundation has expressed concern over the whether the creation of a buffer zone would constitute a taking of private property rights. Your Committees encourage the Land Use Research Foundation to work together with the Hawaii Farm Bureau Federation to address this concern prior to this measure being heard by the Committee on Judiciary and Labor.

Your Committees have amended this measure by replacing its contents with the content of H.B. No. 408, S.D. 1. As amended, this measure requires, upon a request to reclassify, to an urban or rural district designation, a land district that is contiguous to an existing designated agricultural district, that the Land Use Commission:

- (1) Notify the applicant requesting the reclassification of the presence of the contiguous agricultural district; and
- (2) Impose the conditions that the applicant permit existing farm operations in the contiguous agricultural district, not declare the farming operation a nuisance, and comply with chapter 165, Hawaii Revised Statutes, the State's Right to Farm Act.

As affirmed by the records of votes of the members of your Committees on Agriculture and Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2450, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2450, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Hawaiian Affairs and Water and
Land,



CLAYTON HEE, Chair



JILL TOKUDA, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Agriculture and Hawaiian Affairs
AHW

Bill / Resolution No.:* HB2450, HD1	Committee Referral: AHW/WTL, JDL	Date: 3-13-08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GABBARD, Mike	✓			
HEE, Clayton	✓			
KOKUBUN, Russell S.	✓			
SLOM, Sam				✓
TOTAL	4	—	—	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <i>HB2450 HD1</i>	Committee Referral: <i>AHW/WTL, JDL</i>	Date: <i>3/13/08</i>
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol				/
TOKUDA, Jill N.	/			
WHALEN, Paul	/			
TOTAL	<i>4</i>			<i>1</i>

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
Russell S. Kokubun

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