

STAND. COM. REP. NO.

943

Honolulu, Hawaii

MAR 25 2009

RE: H.B. No. 1436
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred H.B. No. 1436, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

begs leave to report as follows:

The purpose of this measure is to amend the permitted uses of land within the agricultural district with soil classifications of A or B to include educational facilities and agricultural appurtenances.

Testimony in support of this measure was submitted by two private organizations. Two government agencies, one county agency, and one individual submitted comments. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that under current law, a special permit is required for schools in the state agricultural district. The special permit process allows consideration of "unusual and reasonable" uses proposed in either the state agricultural or rural district, and is the appropriate mechanism to ensure that a proposed use does not conflict with existing or potential agricultural activity.

Your Committee understands, however, that the Department of Agriculture and the Office of Planning have developed alternative



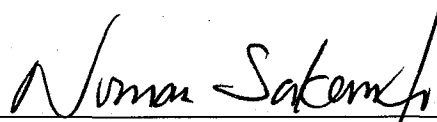
language to accommodate educational pursuits in agricultural district class A or B lands.

Your Committee has amended this measure accordingly, by:

- (1) Deleting the proposed amendment to add educational facilities to subsection 205-4.5(1)(5), Hawaii Revised Statutes; and
- (2) Adding agricultural education programs conducted on a farming operation as a permitted use; provided that the agricultural education programs are accessory and secondary to the principal agricultural use and do not interfere with surrounding farm operations, and adding a definition of "agricultural education programs".

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1436, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1436, H.D. 1, S.D. 1, and be referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Education and
Housing,



NORMAN SAKAMOTO, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Education and Housing
EDH

Bill / Resolution No.:* HB 1436 HDI	Committee Referral: EDH, WTL	Date: 3-20-09
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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
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne				✓
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.	✓			
HEMMINGS, Fred				✓
TOTAL	4			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Michelle N. Kidani*

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*Only one measure per Record of Votes