

STAND. COM. REP. NO.

2606

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2777  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committees on Agriculture, Public Safety, Intergovernmental and Military Affairs, and Water and Land, to which was referred S.B. No. 2777 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that section 205-5, Hawaii Revised Statutes, relating to zoning requirements, and any ordinance, rule, or regulation adopted in accordance with this section, applies to lands not within the forest reserve boundaries; and
- (2) Clarify that land uses described in section 205-2, Hawaii Revised Statutes, relating to agricultural lands, shall be permitted without further limitations or restrictions, rather than as determined by the Land Use Commission.

Your Committees received testimony in support of this measure from the Hawaii Farm Bureau Federation and Hawaii Cattlemen's Council, Inc. Your Committees received testimony in opposition to this measure from the Hawaii County Council; Kona Hawaii Farmers Union United; Americans for Democratic Action; Ho'okipa Network Kauai; Kauai Kunana Dairy; Seeds of Truth; Malu 'Aina; Pesticide Action Network; MOM Hui; Life of the Land; Kanalani Ohana Farm; GMO Free Hawaii; Ka Lei Maile Ali'i Hawaiian Civic Club; Rancho

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Aloha; Beyond Organic Consulting, Inc.; Kolo Kai Organic Farm, LLC; Cann Farm Hawaii; Puna Pono Alliance; Hawaii's Thousand Friends; and more than 280 individuals. Your Committees received comments on this measure from the Department of the Attorney General and Department of Agriculture.

Your Committees find that the original intent of this measure was to allow Hawaii farmers to conduct agricultural-based commercial operations in agricultural districts. Although Act 113, Session Laws of Hawaii 2012, was enacted to allow agricultural-based commercial operations in agricultural districts, some farmers are still not allowed to conduct such operations on their farms because the Land Use Commission has deferred to counties that have stricter rules than the State regarding commercial operations on agricultural lands.

Despite the intent of this measure, your Committees find that the language of the measure has caused some members of the public to be concerned that this measure is altogether usurping the counties' authority to regulate or restrict land use on agricultural lands. Your Committees understand the public's concern and emphasize that the intent of this measure was not to usurp the counties' authority, but rather to allow certain agricultural-based commercial operations on agricultural lands, as originally intended in Act 113.

Accordingly, your Committees have amended this measure by deleting its contents and inserting language to:

- (1) Prohibit the Land Use Commission and counties from restricting agricultural-based commercial operations that are authorized under sections 205-2(d)(15) and 205-4.5(a)(9), Hawaii Revised Statutes, in agricultural districts; and
- (2) Insert an effective date of July 1, 2050, to encourage further discussion.

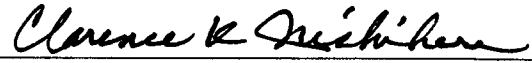
As affirmed by the records of votes of the members of your Committees on Agriculture, Public Safety, Intergovernmental and Military Affairs, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2777, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2777, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committees on Agriculture,  
Public Safety,  
Intergovernmental and Military  
Affairs, and Water and Land,



WILL ESPERO, Chair



CLARENCE K. NISHIHARA, Chair

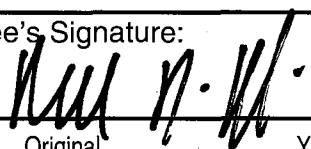


MALAMA SOLOMON, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

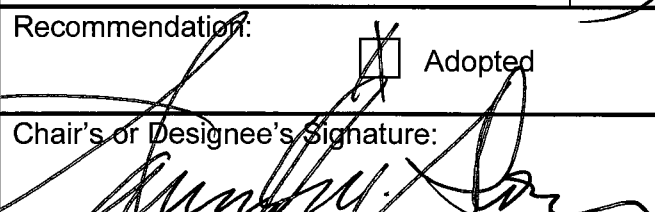
**Record of Votes**  
**Committee on Agriculture**  
**AGL**

Bill / Resolution No.:*	Committee Referral:	Date:		
<b>SB 2777</b>	<b>AGL/PSM/WTL</b>	<b>2/27/14</b>		
<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	✓			
<b>TOTAL</b>	<b>4</b>	<b>1</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i


**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB 2777</b>	Committee Referral: <b>AGL/PSM/WTL</b>	Date: <b>2-27-2014</b>		
<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
ESPERO, Will (C)	X			
BAKER, Rosalyn H. (VC)				X
GALUTERIA, Brickwood	X			
GREEN, M.D., Josh				X
SLOM, Sam	X			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
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				

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The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB2777</b>	Committee Referral: <b>AGL/PSM/WTL</b>	Date: <b>2/27/14</b> <del>2/27/14</del>		
<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
SOLOMON, Malama (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
DELA CRUZ, Donovan M.	✓			
IHARA, Jr., Les		✓		
RUDERMAN, Russell E.			✓	
SHIMABUKURO, Maile S.L.	✓			
TANIGUCHI, Brian				✓
THIELEN, Laura H.		✓		
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: _____ 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

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