

STAND. COM. REP. NO. 1124

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 247
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Water and Land, to which was referred H.B. No. 247 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to amend certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure:

- (1) Farm dwellings on agricultural lands are accessories to a farm, or where the agricultural activities provide income of no less than \$10,000 per year to the family occupying the dwelling, and verified by general excise tax return filing or agricultural tax dedication;
- (2) Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
- (3) Applications for registration of condominium property regimes of agricultural land include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, other requirements pursuant to county ordinances and



rule, and the developer's public report pursuant to section 514B-52, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Agriculture; Department of Commerce and Consumer Affairs Real Estate Commission; Office of Planning; City and County of Honolulu Department of Planning and Permitting; Ulupono Initiative LLC; Kauai Kunana Dairy; Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau; and six individuals. Your Committees received testimony in opposition to this measure from twenty-two individuals and a petition signed by seven hundred fifty-six individuals. Your Committees received comments on this measure from the Department of Taxation.

Your Committees find that designating land for agricultural uses can increase the long-term sustainability of local agricultural production. Your Committees further find that to ensure that agricultural lands are being utilized appropriately, the Legislature enacted Act 278, Session Laws of Hawaii 2019, which directed the Office of Planning, in consultation with other agencies, to study land subdivision and condominium property regime laws relating to agricultural lands. As a result, the Office of Planning submitted recommendations to the Legislature on how to better enforce requirements that agricultural lands are used for agricultural purposes.

Your Committees further find that the State must ensure that agricultural lands are being used for agriculture and improve its enforcement of requirements that agricultural uses are taking place on agricultural lands. This measure amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended by the Office of Planning in its study of subdivision and condominium property regimes on agricultural lands on Oahu to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes. In addition, this measure allows meaningful county input in the condominium property regime process involving agricultural lands to ensure availability of necessary supportive infrastructure and identify and mitigate any potential negative impacts to environmentally or culturally significant resources.

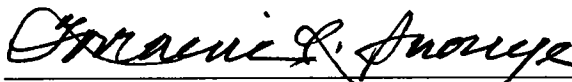


Your Committees have amended this measure by:

- (1) Removing the requirement of farm dwellings to generate income of no less than \$10,000 per year for families occupying the dwelling; and
- (2) Inserting 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 and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 247, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 247, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

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



LORRAINE R. INOUE, Chair

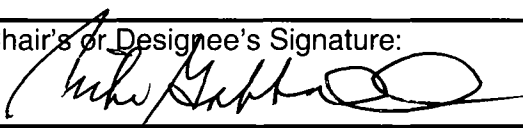


MIKE GABBARD, Chair



The Senate
Thirty-First Legislature
State of Hawai'i


Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* HB 247	Committee Referral: AEN/WTL, CPN/WAM	Date: 03/22/2021		
<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 <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
ACASIO, Laura	✓			
RHOADS, Karl	✓			
FEVELLA, Kurt	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy				

***Only one measure per Record of Votes**

The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <i>HB 247</i>	Committee Referral: <i>WAM</i> <i>AEN/WTL, CPN/A</i>	Date: <i>3/22/21</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
INOUYE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
TOTAL	<i>5</i>			
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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