

Honolulu, Hawaii

Feb 2, 2006

RE: H.B. No. 2146

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and
Agriculture, to which was referred H.B. No. 2146 entitled:

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

beg leave to report as follows:

The purpose of this bill is to support and encourage
diversified agriculture by permitting the leasing of a portion of
a parcel for agricultural uses and activities without having to
subdivide the parcel.

The University of Hawaii College of Tropical Agriculture and
Human Resources, Hawaii Agriculture Research Center, and Hawaii
Farm Bureau Federation testified in support of this bill. The
Board of Agriculture, Office of Planning, Department of Business,
Economic Development, and Tourism, and Kamehameha Schools
supported the intent of this measure. The Sierra Club, Hawaii
Chapter, opposed this measure. The Land Use Research Foundation
of Hawaii provided comments on this bill.

Your Committees respectfully request the Committee on
Judiciary to consider:

- (1) Clarifying the amended language in subsection (e) of
this bill to address concerns that the language is
confusing and unclear as to the process to be used to
establish a leasehold lot without going through the
subdivision process; and



- (2) Making the authorization to lease a portion of a parcel for agricultural uses or activities without subdivision approval, subordinate to applicable county ordinances.

Your Committees considered these changes, but concluded that these issues would be better addressed in the Committee on Judiciary, given its expertise on statutory language formulation.

The Sierra Club expressed serious concerns that public access may be jeopardized if agricultural leases were exempted from county subdivision ordinances.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2146 and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, &
Ocean Resources and
Agriculture,

Felipe P. Abinsay, Jr.

FELIPE P. ABINSAY, JR., Chair

Ezra R. KanoHo

EZRA R. KANOHO, Chair



