Honolulu, Hawaii

Fely 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,

Shoe P. Abinsay, Jr.

FELIPE P. ABINSAY, JR., Chair

EZRA R. KANOHO, Chair

HSCR 24-06

## State of Hawaii House of Representatives The Twenty-third Legislature

## Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HB 2146	Date:	127/0	<i>(</i> )		
Committee Referral:  WLO/AGR, JUD  The committee is reconsidering its previous decision on the measure.					
The recommendation is to:  Pass, unamended  Pass, with amendments					
□ Hold □ Recommit					
WLO Members	Ayes	Ayes (WR)	Nays	Excused	
1. KANOHO, Ezra R. (C)	V				
2. SCHATZ, Brian (VC)	<b>✓</b>				
3. BERG, Lyla B., Ph.D.	1		V		
4. CARROLL, Mele		<b>/</b>			
5. EVANS, Cindy	+	<b>V</b>			
6. HARBIN, Bev 7. MORITA, Hermina M.	V				
8. WATERS, Tommy				<i>Y</i>	
9. MEYER, Colleen Rose					
10. THIELEN, Cynthia					
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The recommendation is:					
☐ Not Adopted					
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Vice Chair's or designee's signature:					
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<b>Distribution:</b> Original (White) – Committee	Duplicate (Yello	w) – Clerk's Office			

## State of Hawaii House of Representatives The Twenty-third Legislature

## **Record of Votes of the Committee on Agriculture**

Bill/Resolution No.: HB 2146	Date: 0	1/27/06				
Committee Referral: WLO/AGR, JUD	☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended	☐ Pass, with amendments					
□ Hold	□ R	ecommit				
AGR Members	Ayes	Ayes (WR)	Nays	Excused		
1. ABINSAY, Felipe P., Jr. (C)						
2. TSUJI, Clift (VC)	<b>✓</b>					
3. CHANG, Jerry L.						
4. HERKES, Robert N.	_			V		
5. KARAMATSU, Jon Riki 6. MAGAOAY, Michael Y.	<u> </u>					
6. MAGAOAY, Michael Y.  7. WAKAI, Glenn						
8. YAMASHITA, Kyle T.						
9. HALFORD, Chris				<b>1</b> -		
10. STONEBRAKER, Bud						
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The recommendation is:						
☐ Not Adopted						
If joint referral, did not support recommendation.						
Vice Chair's or designee's signature:	· · · · · · · · · · · · · · · · · · ·					
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						
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