

Honolulu, Hawaii

APR - 7 2006

RE: H.B. No. 2146  
H.D. 1  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committees on Water, Land, and Agriculture and Intergovernmental Affairs, to which was referred H.B. No. 2146, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to allow agricultural lands to be subdivided and leased for specific agricultural uses or activities.

Testimony in support of this measure was submitted by the Department of Agriculture; the University of Hawaii College of Tropical Agriculture and Human Resources; Agricultural Enterprises, Inc.; C&H Farms; the Hawaii Farm Bureau Federation; Kahuku Farmers, Inc.; and Kamehameha Schools. Comments were also submitted by the Department of the Attorney General, the Office of Planning, and the Land Use Research Foundation of Hawaii.

Your Committees find that allowing agricultural lands to be subdivided and leased for specific agricultural uses or activities without having to adhere to the Uniform Land Sales Practices Act under chapter 484, Hawaii Revised Statutes (HRS), is appropriate. Accordingly, this measure:

- (1) Specifically allows agricultural lands to be subdivided and leased for agricultural uses or activities, as long as the principal use of the land is for agriculture, no



permanent or temporary dwellings are constructed, and the lots are considered legal lots of record for mortgage lending purposes and are exempt from urban or rural county subdivision standards; and

- (2) Subdivided leasehold agricultural lots located within state agricultural districts with no dwellings constructed are exempt from the Uniform Land Sales Practices Act under chapter 484, HRS.

Your Committees have amended this measure by:

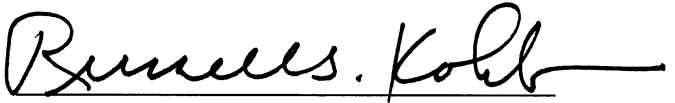
- (1) Exempting subdivided agricultural lots from all county subdivision standards rather than just urban and rural county subdivision standards;
- (2) Providing that all subdivided agricultural lots are to be considered legal lots of record and are exempt from county subdivision standards rather than making them a condition for subdivision;
- (3) Requiring all subdivided agricultural lots to be leased for a minimum of ten years;
- (4) Providing that all subdivided agricultural lots will automatically reconsolidate to the original lot of record upon the expiration or termination of the leases; and
- (5) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2146, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2146, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



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

  
\_\_\_\_\_  
DAVID Y. IGE, Chair

  
\_\_\_\_\_  
RUSSELL S. KOKUBUN, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Water, Land and Agriculture  
(Bills and Resolutions)

Measure:* <i>HB2146 HD1</i>	Committee Referral: <i>WLA/IGA</i>	Date: <i>3/31/06</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 to: <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	Ayes	Ayes(WR)	Nays	Excused
KOKUBUN, Russell S. (C)	/			/
HOOSER, Gary L. (VC)				/
ENGLISH, J. Kalani				/
FUKUNAGA, Carol	/			
HEMMINGS, Fred	/			
TOTAL	<i>3</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Russell S. Kohl</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Do not list more than one measure per Record of Votes.

