

Honolulu, Hawaii

Apr. 24, 2008

RE: H.B. No. 2450  
H.D. 1  
S.D. 2  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2450, H.D. 1, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to protect farming operations from urban encroachment by requiring:

- (1) The Land Use Commission to inform applicants requesting reclassification, to urban or rural districts, of land contiguous to an existing agricultural land district of the presence of the existing, contiguous agricultural district; and
- (2) The applicant, as a condition of land reclassification, to:



- (A) Permit the continued operation of any existing farming operation on the contiguous agricultural district; and
- (B) Comply with the provisions of the Hawaii Right to Farm Act.

Upon further consideration, your Committee has amended this measure by deleting its contents and inserting provisions that require that any decision approving a petition for a boundary amendment where lands in the petition area are contiguous or adjacent to lands in the agricultural district to contain the following conditions for approval:

- (1) A prohibition on actions that would interfere with or restrain farming operations, provided that the farming operations are consistent with generally accepted agricultural and management practices; and
- (2) Notification to certain entities that farming operations and practices are protected under the Hawaii Right To Farm Act, and requiring that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property and provided to lessees or tenants of the land.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2450, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2450, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

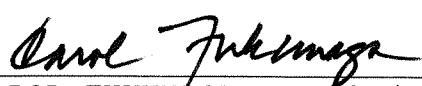
ON THE PART OF THE HOUSE



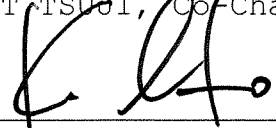
JILL TOKUDA, Chair



CLIFT TSUJI, Co-Chair



CAROL FUKUNAGA, Co-Chair



KEN ITO, Co-Chair



  
BRIAN T. TANIGUCHI, Co-Chair

  
TOMMY WATERS, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2450, HD 1, SD 2	Date/Time: <i>April 21, 2008 2:49 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).


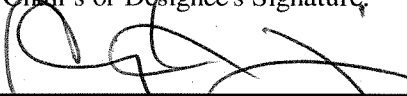
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TOKUDA, Jill N., Chr.	✓				TSUJI, Clift, Co-Chr.	✓			
FUKUNAGA, Carol, Co-Chr.				✓	ITO, Ken, Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				WATERS, Tommy, Co-Chr.				✓
KOKUBUN, Russell S.	✓				KARAMATSU, Jon Riki	✓			
SLOM, Sam				✓	CHING, Corinne W.L.	✓			
TOTAL	3	∅	∅	2	TOTAL	4	∅	∅	1

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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Distribution:      Original      Yellow      Pink      Goldenrod  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency