

Honolulu, Hawaii

Feb 6, 2008

RE: H.B. No. 2450

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

Sir:

Your Committees on Agriculture and Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 2450 entitled:

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

beg leave to report as follows:

The purpose of this bill is to protect farming operations from the threat of urban encroachment by requiring the reclassification, into the urban or rural district, of any land that is contiguous to the agricultural district, to contain a condition that no nonagricultural development shall be permitted within 300 feet of the property line bordering any parcel in the agricultural district on which farming operations are being conducted.

The Hawaii Farm Bureau Federation and Hawaii Crop Improvement Association supported this bill. Maui County Farm Bureau and Hawaii's Thousand Friends supported this measure with amendments. The Department of Agriculture did not support this bill.

New residential housing and other urban and rural developments abutting actively-used agricultural lands continue to interfere with the ability of farmers to conduct their farming operations. In spite of the Hawaii Right to Farm Act, farmers are still subjected to harassment and unwarranted lawsuits from neighbors who complain about the noise, smells, and dust associated with farming. However, your Committees also recognize the concerns associated with prohibiting the nonagricultural use

HB2450 HSCR AGR-WLH HMS 2008-1604



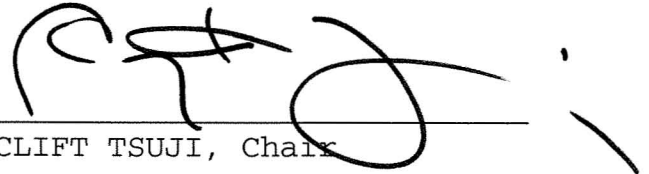
of lands within the buffer zone. One particular area of concern relates to the potential use of lands in the "buffer" zone for a public purpose that benefits the community. This measure may serve as an obstacle to such beneficial use. Your Committees respectfully request that this issue be considered as this measure makes its way through the legislative process.

As affirmed by the records of votes of the members of your Committees on Agriculture and Water, Land, Ocean Resources & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2450 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 Agriculture and
Water, Land, Ocean Resources &
Hawaiian Affairs,



KEN ITO, Chair



CLIFT TSUJI, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 192-08

Record of Votes of the Committee on Agriculture

Bill/Resolution No.: HB2450	Committee Referral: AGR/WLH, JUD	Date: 01/30/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	/			
2. BROWER, Tom (VC)	/			
3. BERG, Lyla B., Ph.D.	/			
4. CHANG, Jerry L.	/			
5. HANOHANO, Faye P.	/			
6. HERKES, Robert N.	/			
7. MANAHAN, Joey	/			
8. WAKAI, Glenn	/			
9. YAMANE, Ryan I.	/			
10. YAMASHITA, Kyle T.	/			
11. CHING, Corinne W.L.	/			
12. MEYER, Colleen Rose		/		
TOTAL (12)	11	1	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Tom Brower</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				

