

STAND. COM. REP. NO. 1136

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 408
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 408, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

begs leave to report as follows:

The purpose of this bill is to create a buffer zone to protect farming operations by prohibiting industrial, commercial, or residential development within an unspecified number of feet from the property line of any parcel in which farming operations are being conducted.

The Hawaii Farm Bureau Federation and Maui County Farm Bureau supported this bill. The Hawaii Agriculture Research Center supported the intent of this measure. The Department of Planning and Permitting of the City and County of Honolulu, Hawaii Association of REALTORS, Kuilima Resort Company, and the Land Use Research Foundation of Hawaii opposed this bill.

Your Committee has amended this measure by:

- (1) Narrowing the scope of the prohibition by specifying that the farming operations contained in this bill are bona fide farming operations that have been conducted for at least an unspecified number of years prior to the development;



- (2) Inserting a definition of "bona fide farming operations"; and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 408, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 408, H.D. 2.

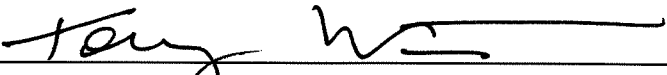
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 408 HD1 (HSCR 586)		Date: 2/27/07		
Committee Referral: JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. CALDWELL, Kirk	/			
4. EVANS, Cindy	/			
5. GREEN, Josh, M.D.	/			
6. ITO, Ken	/			
7. LUKE, Sylvia	/			
8. McKELVEY, Angus L.K.	/			
9. MORITA, Hermina M.	/			
10. SONSON, Alex M.	/			
11. SOUKI, Joseph M.	/			
12. TSUJI, Clift	/			
13. YAMANE, Ryan I.	/			
14. YAMASHITA, Kyle T.	/			
15. MARUMOTO, Barbara C.			/	
16. PINE, Kymberly Marcos	/			
17. THIELEN, Cynthia				/
TOTAL	15		1	1
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; margin-left: 100px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <div style="text-align: center; font-size: 1.5em; margin-top: 10px;">  </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				