

STAND. COM. REP. NO.

1293

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 408
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian
Affairs, to which was referred H.B. No. 408, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

begs leave to report as follows:

The purpose of this measure is to protect and preserve the continued productivity and viability of the State's agricultural industry by creating a buffer zone that prohibits industrial, commercial, or residential development within an unspecified number of feet from the property line of any parcel on which a bone fide farming operation has been in existence for at least an unspecified number of years prior to the development.

Testimony in support of this measure was submitted by the Department of Agriculture, the Hawaii Farm Bureau Federation, the Maui County Farm Bureau, the Hawaii Crop Improvement Association, the Hawaii Agriculture Research Center, and Hawaii's Thousand Friends. Testimony in opposition to this measure was submitted by the Department of Planning and Permitting, City and County of Honolulu; the Hawaii Island Chamber of Commerce; the Land Use Research Foundation of Hawaii; the Hawaii Association of Realtors; and the Kuilima Resort Company.

Agricultural operations continue to be driven out as urbanization encroaches upon farm lands. Farmers are continually faced with complaints and harassment from surrounding neighbors, which ultimately causes these farmers to move their agricultural

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operations to another agricultural district, or stop their operations completely. Your Committee finds that any loss in agricultural productivity has a detrimental affect on the State's sustainable food productivity and economic activity. Providing measures to protect and preserve agricultural productivity will enable farmers to continue their agricultural operations despite the encroachment of urbanization.

Your Committee notes that establishing a buffer zone that prohibits industrial, commercial, or residential development within an unspecified number of feet from a bona fide farming operation may be too cumbersome and problematic to implement and enforce. Furthermore, the Right to Farm Act under chapter 165, Hawaii Revised Statutes, already provides measures to prevent the declaration that a farming operation is a nuisance.

Your Committee has amended this measure by:


- (1) Replacing its contents with language from S.B. No. 1236, S.D. 1, that requires the Land Use Commission to include the Right to Farm Act under chapter 165, Hawaii Revised Statutes, as a condition to any reclassification of land to an urban or rural district designation that is contiguous to an agricultural district;
- (2) Changing the effective date of this measure from July 1, 2050, to effective upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of style and consistency.

Your Committee believes that this measure, as amended, fulfills the intent of this measure, which is to protect and preserve the continued productivity and viability of the State's agricultural industry.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 408, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 408, H.D. 2, S.D. 1, and be referred to the Committee on Intergovernmental and Military Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,



RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:* HB 408 HD2	Committee Referral: WAH, IGM	Date: 3/21/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <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	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton				X
SLOM, Sam	X			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes