

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1219

S.D. 1

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

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Intergovernmental and Military Affairs, to which was referred S.B. No. 1219 entitled:

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

beg leave to report as follows:

The purpose of this measure is to protect the State's agricultural lands and ensure the affordability of these lands for future agricultural production by providing a one-time opportunity for the counties to petition the Land Use Commission to reclassify agricultural district lands with preexisting residential uses to allow for these dwellings to be a permissible use.

Testimony in support of this measure was submitted by the Department of Agriculture and the Land Use Research Foundation of Hawaii. Testimony in opposition to this measure was submitted by the Office of Planning, the Office of Hawaiian Affairs, Hawaii's Thousand Friends, and two individuals.

Under section 205-2, Hawaii Revised Statutes, the Land Use Commission is authorized to classify all land in the State into four major land use districts, which include urban, rural, agricultural, and conservation districts. Land classified within an agricultural district ensures that the land will be used for agricultural purposes and preserves the longevity of Hawaii's agricultural industry. Farm dwellings, which are defined as a single-family dwelling located on and used in connection with a



farm under section 205-4.5(4), Hawaii Revised Statutes, are considered a permissible use in an agricultural district.

Your Committees find that there are certain dwellings situated on designated agricultural districts that do not meet the definition of a farm dwelling. Some of these residences are situated on land classified as agricultural districts, but the land no longer has any relation to agriculture. Reclassifying the land to allow these preexisting dwellings to be considered a permissible use will ensure that these agricultural districts will remain for any future agricultural purposes.

Your Committees have amended this measure by:

- (1) Clarifying that those dwellings, which do not meet the criteria for farm dwellings must be in existence prior to January 1, 2000, for the counties to petition the Land Use Commission for land reclassification;
- (2) Changing the effective date from taking effect upon its approval to January 1, 2009, to allow ample time for the Land Use Commission to implement the provisions and designate important agricultural lands under chapter 205, part III, Hawaii Revised Statutes;
- (3) Changing the sunset date from January 1, 2009, to January 1, 2010, to allow the counties one year to petition the Land Use Commission for land reclassification relating to preexisting residential uses on agricultural districts; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees believe that this measure, as amended, fulfills its intent to protect the State's agricultural lands and ensure the affordability of these lands for future agricultural production.

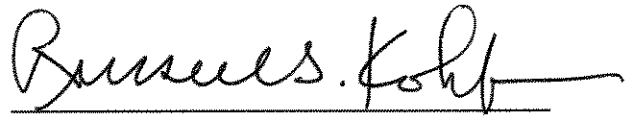
As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1219, as amended herein, and recommend that it pass



Second Reading in the form attached hereto as S.B. No. 1219,  
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,  
Agriculture, and Hawaiian  
Affairs and Intergovernmental  
and Military Affairs,

  
LORRAINE R. INOUÉ, Chair

  
RUSSELL S. KOKUBUN, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

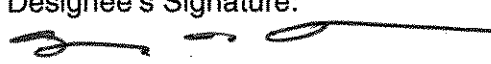
**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WAH**

Bill / Resolution No.:* <i>S.B. 1219</i>	Committee Referral: <i>WAH / IGM</i>	Date: <i>2/7/07</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: <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)	<i>X</i>			
TOKUDA, Jill N. (VC)	<i>X</i>			
FUKUNAGA, Carol				<i>X</i>
HEE, Clayton				<i>X</i>
SLOM, Sam	<i>X</i>			
<b>TOTAL</b>	<i>3</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.5em;"><i>Jill N. Tokuda</i></div>				
Distribution:                              Original                              Yellow                              Pink File with Committee Report             Clerk's Office                        Drafting Agency				

\*Only one measure per Record of Votes

The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Intergovernmental and Military Affairs**  
**IGM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1219	WAA / IGM	2/12/07		
<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
INOUE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred				/
<b>TOTAL</b>	2			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
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