

STAND. COM. REP. NO.

428

Honolulu, Hawaii

FEB 19, 2009

RE: H.B. No. 1436

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and
Agriculture, to which was referred H.B. No. 1436 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

beg leave to report as follows:

The purpose of this bill is to allow the use of lands within
the agricultural district for educational facilities and
agricultural appurtenances for the cultivation of crops,
propagation of game and fish, and raising of livestock.

Hawaii Agricultural Research Center, Kamehameha Schools, and
Ipu Lani, Inc., testified in support of this bill. The Sierra
Club-Hawaii Chapter opposed this measure. The Department of
Agriculture, Office of Planning, and Department of Planning and
Permitting of the City and County of Honolulu provided comments.

Your Committees have amended this bill by:

- (1) Providing a definition for "appurtenances," as used in
the amended paragraph; and
- (2) Making technical, nonsubstantive amendments for style,
clarity, and consistency.

Your Committees find that educational facilities that have
been permitted on agricultural lands in the past have used the
special permit process, which allows the county planning

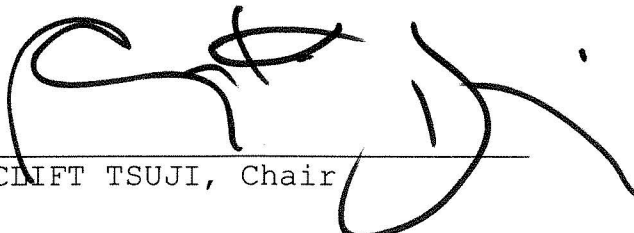
HB1436 HD1 HSCR WLO-AGR HMS 2009-2226



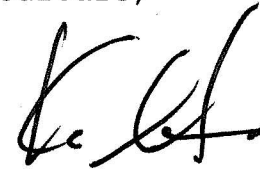
commission to review the planned use. To prevent any abuses of including educational facilities as a permissible use in the agricultural district, "educational facilities" should be defined to clarify that larger schools are still subject to the special permit process, and that the provision applies only to those educational facilities that are appurtenant to agricultural operations. Accordingly, your Committees respectfully request the Committee on Education to formulate an appropriate definition for "educational facility," to further this intent.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1436, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1436, H.D. 1, and be referred to the Committee on Education.

Respectfully submitted on behalf of the members of the Committees on Water, Land, & Ocean Resources and Agriculture,



CHIEFT TSUJI, Chair



KEN ITO, Chair

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCB 428

Record of Votes of the Committee on Water, Land, & Ocean Resources

| Bill/Resolution No.: HB1436 | Committee Referral: WLO/AGR, EDN | Date: 2/13/09 | | |
|--|--|-------------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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) | | | | |
| WLO Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. ITO, Ken (C) | ✓ | | | |
| 2. HAR, Sharon E. (VC) | ✓ | | | |
| 3. CABANILLA, Rida | ✓ | | | |
| 4. CHANG, Jerry L. | ✓ | | | |
| 5. CHONG, Pono | ✓ | | | |
| 6. COFFMAN, Denny | ✓ | | | |
| 7. HERKES, Robert N. | ✓ | | | |
| 8. LEE, Chris | | ✓ | | |
| 9. LUKE, Sylvia | | | | ✓ |
| 10. MORITA, Hermina M. | ✓ | KT | | |
| 11. SAGUM, Roland D., III | ✓ | | | |
| 12. CHING, Corinne W.L. | ✓ | | | |
| 13. THIELEN, Cynthia | | ✓ | | |
| TOTAL (13) | 10 ^{KT} | 2 ^{KT} | | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small> | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |

