

Honolulu, Hawaii

Feb 18, 2009

RE: H.B. No. 975

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

Sir:

Your Committees on Agriculture and Water, Land, & Ocean Resources, to which was referred H.B. No. 975 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS,"

beg leave to report as follows:

The purpose of this bill is to provide additional flexibility to the operations of the Agribusiness Development Corporation (ADC) by authorizing ADC to acquire by grant, purchase, or gift the real, personal, or mixed property comprising an agricultural water system to provide water for irrigation of agricultural lands. In addition, this bill:

- (1) Requires the owner of an agricultural water system acquired under this bill to provide a description of the system sufficient to identify the property being acquired; and
- (2) Exempts the conveying of the property of an agricultural water system to ADC from county subdivision requirements.

ADC, Hawaii Agriculture Research Center, Kamehameha Schools, and Hawaii Farm Bureau Federation supported this bill. The Office of Hawaiian Affairs (OHA) supported this bill with amendments. The Department of Planning and Permitting of the City and County of Honolulu (DPP) opposed this measure.



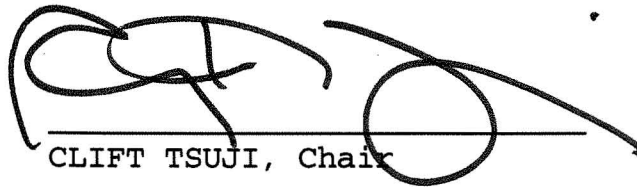
Your Committees recognize that concerns were raised regarding the exemption from county subdivision requirements. OHA requested the insertion of additional language to prevent potential abuses by clarifying that the exemption applies only for the purpose of irrigation of agricultural lands. In addition, testimony submitted by DPP indicated that one of the county subdivision oversight functions is to ensure that any lots to be subdivided are provided with adequate access and necessary utilities, and are also deemed suitable and not prone to flooding, bad drainage, rockfall, or other potentially harmful conditions. Furthermore, lots that are subdivided and recorded without county approval lack an official record with the county. The absence of such records may hinder the issuance of future building or other development permits. Your Committees support future legislative efforts to address these issues.

As affirmed by the records of votes of the members of your Committees on Agriculture and Water, Land, & Ocean Resources that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 975 and recommend that it pass Second Reading and be referred to the Committee on Finance.

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



KEN ITO, Chair



CLIFT TSUJI, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 385

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

Bill/Resolution No.: HB975	Committee Referral: AGR/WLO, FIN	Date: 2/13/09		
<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)				
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.	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	12			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
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