

# SB1162 SD1

**Measure Title:** RELATING TO AGRICULTURE.

**Report Title:** Agriculture; Agricultural Lands; Farming; Livestock; Land Use; Zoning; Subdivision; Condominium Property Regime; Bona Fide Commercial Farmer

**Description:** Prohibits any subdivision, including by condominium property regime, of parcels of agricultural lands one hundred acres or greater in size if at least fifty per cent of the parcel has soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B. Exempts a landowner applicant who is the department of agriculture, the agribusiness development corporation, or a bona fide commercial farmer from this prohibition. (SD1)

**Companion:**

**Package:** None

**Current Referral:** AGL/WTL, CPN

**Introducer(s):** L. THIELEN, Ruderman, Taniguchi, Wakai

<u>Sort by Date</u>		<b>Status Text</b>
1/28/2015	S	Introduced.
1/28/2015	S	Passed First Reading.
1/28/2015	S	Referred to AGL/WTL, CPN.
1/29/2015	S	The committee(s) on AGL/WTL has scheduled a public hearing on 02-02-15 2:50PM in conference room 224.
2/2/2015	S	The committee(s) on AGL deferred the measure until 02-10-15 2:45PM in conference room 414.
2/2/2015	S	The committee(s) on WTL deferred the measure until 02-11-15 2:45PM in conference room 224.
2/10/2015	S	The committee(s) on AGL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in AGL were as follows: 4 Aye(s): Senator(s) Ruderman, Riviere, Chun Oakland, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 3 Excused: Senator(s) Taniguchi, Wakai, Slom.
2/11/2015	S	The committee(s) on WTL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WTL were as follows: 5 Aye(s): Senator(s) L. Thielen, Ihara, Riviere, Ruderman, Shimabukuro; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Galuteria, Slom.
2/20/2015	S	Reported from AGL/WTL (Stand. Com. Rep. No. 360) with recommendation of passage on Second Reading, as amended (SD 1) and referral to CPN.
2/20/2015	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to CPN.
2/20/2015	S	The committee(s) on CPN will hold a public decision making on 02-24-15 9:30AM in conference room 229.

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
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SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON COMMERCE AND CONSUMER  
PROTECTION**

February 24, 2015  
9:30 A.M.  
ROOM 229

**SENATE BILL NO. 1162 SD1  
RELATING TO THE AGRICULTURE**

Chairperson Baker and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No.1162 SD1, which would prohibit the subdivision of, or the creation of a condominium property regime on a parcel of land in the State Agricultural District of 100 acres or greater, and for which at least 50 percent of the land in the parcel is rated "A" or "B" by the Land Study Bureau (LSB)'s overall productivity rating. The Department supports the intent of the bill and offers recommendations.

We believe that the ongoing subdivision and placement of agricultural land into CPRs, particularly "A" and "B" rated lands with little, if any, agricultural activity is unjustified in light of the statewide initiatives and public interest in support of food security and food self-sufficiency. Subdivisions and CPRs without controls, monitoring, and enforcement result in harm to agriculture by allowing increases in the value of agricultural lands unrelated to it agricultural productivity. This increase in value makes



agricultural land unaffordable to farmers who are unable to purchase or lease agricultural lands for commercial farming.

However, before invoking a statewide prohibition of subdivision and CPRs as specified in this measure, the Department recommends there be additional research quantifying the actual harm done by subdivision and CPR of agricultural land, and include public discussion on this issue. Additionally, any proposed action should involve the counties who have the primary authority in granting subdivisions of agricultural land.

Thank you for the opportunity to testify on this important measure.

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lieutenant Governor

**LUIS P. SALAVERIA**  
Director

**MARY ALICE EVANS**  
Acting Deputy Director



**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

**DANIEL ORODENKER**  
Executive Officer

**Bert K. Saruwatari**  
Planner  
**SCOTT A.K. DERRICKSON AICP**  
Planner

**RILEY K. HAKODA**  
Chief Clerk/Planner

**FRED A. TALON**  
Drafting Technician

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Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
Land Use Commission  
Before the  
**Senate Committee on Commerce and Consumer Protection**  
February 24, 2015  
9:30 AM  
State Capitol, Conference Room 224

In consideration of  
**SB 1162 SD1**  
**RELATING TO AGRICULTURE**

Chair Baker, Vice Chair Taniguchi, and members of the Committee on Commerce and Consumer Protection:

The Land Use Commission supports SB 1162 SD1 that seeks to prevent the loss of large-scale agricultural parcels and to ensure that future use of agricultural lands is for bona fide agricultural operations.

Thank you for the opportunity to testify on this matter.



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February 24, 2014

HEARING BEFORE THE  
SENATE COMMITTEE ON COMMERCE & CONSUMER PROTECTION

TESTIMONY ON SB 1040, SD 1  
RELATING TO FARMERS' MARKETS

Room 229  
9:30 AM

Aloha Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

**HFB supports the intent of SB 1040, HD 1 and respectfully offers our comment.** We enthusiastically support local farmers' markets both to showcase and promote local farms and their products and to provide consumers a fun and friendly venue to purchase local foods. In fact, the Hawaii Farm Bureau operates farmers' markets and it is our policy to sell local-only produce.

We understand the concern that because vendors are not currently required to disclose a product's geographic origin, some consumers might be misled into assuming that the products they buy at farmers' markets are all locally grown or produced.

This measure will require vendors to label or display a sign for each and every product they sell, declaring the product's geographic origin.

- Although we agree with the intent, HFB is concerned that this may place an unreasonable burden on vendors who sell multiple products and whose produce and other products vary according to crop and season.
- Additionally, the requirement that vendors retain and have available on site, two years' worth of records detailing the volume and origin of each product sold may also be unreasonably burdensome to farmers.
- The term "Agricultural product" is very broad and would apparently also apply to value-added products sold at these markets. These goods may contain multiple ingredients, not all of which are locally produced. Would the vendors of these

products need to identify the amount of each local ingredient contained in each item?

- The proposed law would apply to “Farmers’ markets,” which is defined broadly as any market where farmers sell their products directly to consumers. There are many farmers’ markets on each island but we notice that there is no additional funding offered for DOA to implement and enforce the requirements of the proposal.

Thank you for the opportunity to express our comments on this measure.



**Testimony to the Senate Committee on Commerce and Consumer Protection  
Tuesday, February 24, 2015 at 9:30 A.M.  
Conference Room 229, State Capitol**

**RE: SENATE BILL 1162 SD1 RELATING TO AGRICULTURE**

Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

The Chamber **opposes** S.B. 1162 SD1, which prohibits any subdivision, including by condominium property regime, of parcels of agricultural lands one hundred acres or greater in size if at least 50 per cent of the parcel has soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B.

The Chamber is the largest business organization in Hawaii, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

It is unclear from the information provided, on what problem or situation the proposed bill is intended to address. With the demise of plantations and mono-crops, it stands to reason that prohibiting the subdivision of large "productive lands" would eliminate opportunities for smaller agri-businesses to secure a real estate interest in smaller lots.

Furthermore, reliance on the rating system of the Land Study Bureau should be reassessed. Our understanding is that the Land Study Bureau of the University of Hawaii prepared an inventory and evaluation of the State's land resources during the 1960's and 1970's. During this time period, both sugar and pineapple were being grown on plantations throughout the State. The Bureau grouped all lands in the State, except those in the urban district, into homogeneous units of land types; described their condition and environment; rated the land on its over-all quality in terms of agricultural productivity; appraised its performance for selected alternative crops; and delineated the various land types and groupings based on soil properties and productive capabilities.

One of the factors considered in the rating was rainfall and irrigation. As a general rule, lands in the higher rainfall zones are cloudy and therefore lower in productivity; irrigated lands are rated 100 because the moisture requirement is adequately met. It is the general assumption that where irrigation is required, climate is usually satisfactory for crop production."

The rating systems reliance on irrigation being provided by the plantations would limit how the lands should be rated today as most of the plantation provided irrigation systems have been abandoned or are inoperable.

Thank you for the opportunity to express our views on this matter.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPN Testimony](#)  
**Cc:** [farmfreshhawaii@gmail.com](mailto:farmfreshhawaii@gmail.com)  
**Subject:** Submitted testimony for SB1162 on Feb 24, 2015 09:30AM  
**Date:** Sunday, February 22, 2015 10:01:02 AM

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**SB1162**

Submitted on: 2/22/2015

Testimony for CPN on Feb 24, 2015 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Juanita Kawamoto Brown	Individual	Support	No

Comments: I am in strong support of SB 1162 for the following reasons: 1. The State has not identified the definition of what is a a farm or farmer in the State of Hawaii. Until thorough policy and laws are set in place to what qualifies a farm or farmer and how much land should be allotted for the various kinds of farms and farmers, land use will always be too vague and too broad. 2. The bill is an attempt to identify what Ag land should be qualified to do when focusing on food sustainability. Commerce and economic solutions will become more apparent once we verify the appropriate land use for farming. 3. The bill is necessary because when the old standards for farming were erected, the population was much smaller and land for housing was more abundant. We now have commercial housing development imposing on prime Grade A ag lands where our opportunity to feed the 1.5 + million people under emergency or non emergency situations have become greatly reduced. We should always be self sufficient, for the sake of good commerce and responsible land use. Balance is priority and this bill creates land use balance for the real future of Hawaii nei. Mahalo for the opportunity to submit testimony.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)