

STAND. COM. REP. NO.

1360

Honolulu, Hawaii

March 24, 2017

RE: S.B. No. 698
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 698, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require a landowner or occupier to provide notice and a map of the subdivision or lease to the Department of Health and other various county agencies when subdividing and leasing agricultural land; and
- (2) Grant county and state agencies the right to enter subdivided or leased agricultural property upon reasonable belief of a violation, to investigate compliance violations of agricultural subdivision and lease qualifications, and to issue citations, fines, and liens.

The Office of Planning, Department of Health, Land Use Commission, Department of Planning and Permitting of the City and County of Honolulu, Planning Department of the County of Hawaii, Hawaii Cattlemen's Council, Inc., Hawaii Farm Bureau, and one

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concerned individual testified in support of this measure. The Department of Agriculture provided comments on this measure.

Your Committee notes the Land Use Commission requested the addition of one permanent position to obtain compliance with decisions and orders of the Land Use Commission. Your Committee agrees and recommends the adoption of this request.

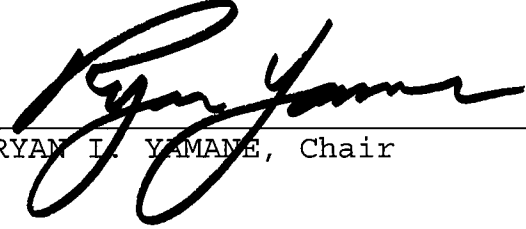
Your Committee has amended this measure by:

- (1) Deleting language regarding subdivision leases;
- (2) Adding language under section 205-12, Hawaii Revised Statutes, to designate the Land Use Commission as the entity to investigate complaints involving violations of subdivisions of agricultural land;
- (3) Authorizing the Land Use Commission to establish rules and fines to address these complaints, and the power to issue fines to enforce the rules;
- (4) Authorizing the Land Use Commission to enter the property upon investigation of a violation;
- (5) Authorizing the Land Use Commission to invoke a cease and desist order or subpoena the landowner to appear before the Commission for further proceedings;
- (6) Changing the effective date to July 1, 2050; and
- (7) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 698, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 698, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Water & Land,



RYAN I. YAMANE, Chair



