

Honolulu, Hawaii
February 5, 2018

RE: H.B. No. 2020
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 2020 entitled:

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

begs leave to report as follows:

The purpose of this measure is to add more scrutiny in the process of subdividing agricultural lands in order to preserve agricultural uses by establishing criteria for the Land Use Commission to use in approving the subdivision of agricultural lands.

A concerned individual supported this measure. The Hawaii County Planning Department and Hawaii Cattlemen's Council, Inc. opposed this bill. The Department of Agriculture, Land Use Commission, Office of Planning, Life of the Land, and Hawaii Farm Bureau commented on this measure.

Your Committee submits to the Committee on Water & Land for its consideration, should it deliberate on this matter, the following amendment proposed by the Land Use Commission to clarify this measure's language:

"(g) Notwithstanding any other law to the contrary, a subdivision or condominium or horizontal property regime of



agricultural lands shall be subject to approval by the land use commission if:

- (1) The proposed subdivision would create more than five lots and:
 - (A) At least one subdivided lot is two acres or less;
or
 - (B) Has been submitted to the department of commerce and consumer affairs for approval for a condominium or horizontal property regime;

- (2) In determining whether such a subdivision or condominium or horizontal property regime should be approved, the land use commission shall consider the following criteria:
 - (A) Continued use of the entire parcel subject to subdivision will remain in agricultural use for a period of not less than twenty years;
 - (B) Will not result in fragmentation of the agricultural district;
 - (C) Is consistent with relevant county general and community plans;
 - (D) Is consistent with all relevant state agricultural sustainability plans; and
 - (E) Is not done primarily for residential purposes."

Your Committee has amended this measure by:

- (1) Changing its effective date to July 31, 2150, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No.



2020, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2020, H.D. 1, and be referred to your Committee on Water & Land.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture,



RICHARD P. CREAGAN, Chair



Record of Votes of the Committee on Agriculture

Bill/Resolution No.: HB 2020	Committee Referral: AGR, WAL, JUD	Date: 01/31/18		
<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)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. CREAGAN, Richard P. (C)	✓			
2. DeCOITE, Lynn (VC)		✓		
3. GATES, Cedric Asuega		✓		
4. ING, Kaniela				✓
5. SAY, Calvin K.Y.			✓	
6. TAKAYAMA, Gregg		✓		
7. THIELEN, Cynthia		✓		
TOTAL (7)	1	4	1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u> Lynn DeCorte </u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				