

Honolulu, Hawaii

FEB 17 2017

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

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Water and Land, Agriculture and Environment, and Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 698 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require an owner or occupier of certain agricultural lands to provide written notice to certain county agencies when subdividing and leasing the lands; and
- (2) Grant county and state agencies the implicit right to enter the property to investigate violations of and compliance with agricultural subdivision and lease qualifications.

Your Committees received testimony in support of this measure from the Department of Agriculture; Department of Planning and Permitting, City and County of Honolulu; and Sierra Club of Hawai'i.

Your Committees find that the subdivision exemption under section 205-4.5, Hawaii Revised Statutes, coupled with the agricultural building permit exemption under section 46-88, Hawaii Revised Statutes, have resulted in enforcement challenges for



county agencies, as evidenced by the land use violations at Kunia Loa Ridge Farmlands. Your Committees further find that although the county planning department is charged with enforcement of the law, the county planning department lacks the implicit right to enter a structure that is exempt from building permit requirements and building codes. Additionally, unregulated parceling of large tracts of land has led to unidentifiable lots, furthering enforcement problems. Your Committees find that this measure utilizes various efforts to improve existing law and enforcement capabilities of state and county agencies to ensure that only allowed land uses and activities are occurring on agricultural lands in the State.

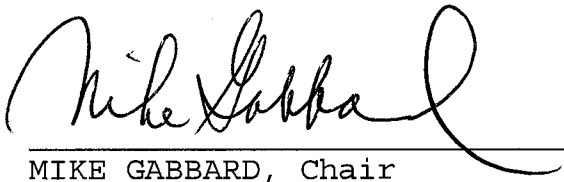
Your Committees have amended this measure by:


- (1) As recommended by the Department of Planning and Permitting, City and County of Honolulu:
  - (A) Requiring an owner or occupier to submit a subdivision or lease map to appropriate county and state agencies, along with the written notice required when subdividing and leasing certain agricultural lands;
  - (B) Including the county planning department and Department of Health as agencies required to be notified by the owner or occupier when subdividing and leasing certain agricultural lands;
  - (C) Adding the county planning department as an agency that has the authority to void the subdivision or lease due to an owner's or occupier's failure to provide notice; and
  - (D) Clarifying that the appropriate state and county agencies have the authority to issue citations and assess fines and liens for violations; and
- (2) Authorizing state and county agencies to have an explicit right to enter the property upon reasonable belief of a violation.



As affirmed by the records of votes of the members of your Committees on Water and Land, Agriculture and Environment, and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 698, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 698, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land,  
Agriculture and Environment,  
and Public Safety,  
Intergovernmental, and Military  
Affairs,

  
MIKE GABBARD, Chair

  
KARL RHOADS, Chair


  
CLARENCE K. NISHIHARA, Chair





The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

|   |   |                                       |                                  |         |
|---|---|---------------------------------------|----------------------------------|---------|
| Bill / Resolution No.:*   | Committee Referral:   | Date:                                 |                                  |         |
| SB 698  | WTL/AEN/PSM,WAm   | 2/16/17                               |                                  |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |   |                                       |                                  |         |
| The Recommendation is:  |   |                                       |                                  |         |
| <input type="checkbox"/> Pass, unamended<br>2312  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                                  |         |
| <input type="checkbox"/> Recommit<br>2313   |   |                                       |                                  |         |
| Members   | Aye   | Aye (WR)                              | Nay                              | Excused |
| GABBARD, Mike (C)   | X   |                                       |                                  |         |
| RIVIERE, Gil (VC)   | X   |                                       |                                  |         |
| NISHIHARA, Clarence K.  | X   |                                       |                                  |         |
| RHOADS, Karl  | X   |                                       |                                  |         |
| RUDERMAN, Russell E.  | X   |                                       |                                  |         |
|   |   |                                       |                                  |         |
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| <b>TOTAL</b>  | 5   | 0                                     | 0                                | 0       |
| Recommendation:   |   |                                       |                                  |         |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |   |                                       |                                  |         |
| Chair's or Designee's Signature:  |   |                                       |                                  |         |
|    |   |                                       |                                  |         |
| Distribution:   |   |                                       |                                  |         |
| Original<br>File with Committee Report  | Yellow<br>Clerk's Office  | Pink<br>Drafting Agency               | Goldenrod<br>Committee File Copy |         |

\*Only one measure per Record of Votes

