

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1064
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Water and Land and Public Safety,
Intergovernmental, and Military Affairs, to which was referred
S.B. No. 1064 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

beg leave to report as follows:

The purpose and intent of this measure is to, in any county
where one-third or less of the county's land is classified in the
state agricultural district, prohibit:

- (1) The creation of a condominium property regime on
agricultural land twenty-five acres or greater;
- (2) An existing condominium property regime on agricultural
land greater than twenty-five acres from being amended
to allow a single-family dwelling; and
- (3) The subdivision of agricultural land twenty-five acres
or greater for the purpose of creating a condominium
property regime.

Your Committees received testimony in support of this measure
from Hawaii's Thousand Friends, O'ahu County Committee on
Legislative Priorities of the Democratic Party of Hawai'i, and two
individuals. Your Committees received testimony in opposition to
this measure from the Land Use Research Foundation of Hawaii.



Your Committees received comments on this measure from the Office of Planning and Department of Agriculture.

Your Committees find that agricultural lands are a limited resource within the State that should be used for agricultural purposes. Currently, the condominium property regime process may be used to subdivide large agricultural lots into parcels that are too small for agricultural purposes, thus leading to the development of "gentleman farms", which are low density, large subdivisions. Your Committees further find that this use of the condominium property regime process allows for significant abuse and costs to the State and counties, and limits the public's right to have impacts reviewed and mitigated; therefore, your Committees support limitations on the use of the condominium property regime process on certain agricultural lands.

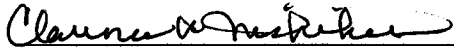
Your Committees have amended this measure by:

- (1) Inserting language to exempt agricultural park and non-agricultural park lands projects under chapter 166 or 166E, Hawaii Revised Statutes, respectively, from the condominium property regime prohibitions proposed by this measure;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land 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. 1064, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1064, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.



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



CLARENCE K. NISHIHARA, Chair

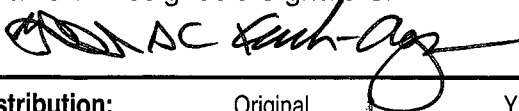


KAIALII I KAELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB1010A	Committee Referral: WTL PSM, CPH	Date: 2/11/2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

