

STAND. COM. REP. NO. 264

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 85  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 85 entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Office of Planning and Sustainable Development to perform a study to refine rural district policies and make recommendations to facilitate the reclassification of lands from the agricultural district to the rural district.

Your Committee received testimony in support of this measure from the Office of the Governor, Office of Planning and Sustainable Development, and Hawai'i Farm Bureau. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the State and counties have not made effective use of the state rural land use district, one of four districts established by the state land use law in chapter 205, Hawaii Revised Statutes. Currently, there are 10,454 acres in the rural district, which amount to 0.3 percent of all lands in the State, and there are no rural district lands on Oahu. Your Committee further finds that there is potential for greater use of the rural district to differentiate rural communities and lifestyle farms from working or commercial agricultural lands and



to enable better protection of productive agricultural lands and the open space character of Hawaii's rural areas. Therefore, this measure requires the Office of Planning and Sustainable Development to perform a study to refine rural district policies and make recommendations to facilitate the reclassification of lands from the agricultural district to the rural district.

Your Committee has heard the testimony of the Department of Agriculture, noting that this measure closely resembles S.B. No. 1292, Regular Session of 2023, which is a measure submitted by the Governor. The Department testified that S.B. No. 1292 is a more comprehensive vehicle with language that is better suited to set forth the study and assessment required by this measure.

Therefore, your Committee has amended this measure by:

- (1) Replacing the language that sets forth the study and assessment with the language from S.B. No. 1292;
- (2) Amending section 1 to reflect its amended purpose;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 85, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 85, S.D. 1, and be referred to your Committee on Ways and Means.


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

  
LORRAINE R. INOUE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes  
 Committee on Water and Land  
 WTL**

|   |                     |                 |                     |         |
|---|---------------------|-----------------|---------------------|---------|
| Bill / Resolution No.:*   | Committee Referral: | Date:           |                     |         |
| SB 85   | WTL, WAM            | 02 / 10 / 23    |                     |         |
| <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 |
| INOUYE, Lorraine R. (C)   | ✓                   |                 |                     |         |
| ELEFANTE, Brandon J.C. (VC)   | ✓                   |                 |                     |         |
| CHANG, Stanley  |                     |                 |                     | ✓       |
| MCKELVEY, Angus L.K.  | ✓                   |                 |                     |         |
| FEVELLA, Kurt   | ✓                   |                 |                     |         |
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| <b>TOTAL</b>  | 4                   | ϕ               | ϕ                   | 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