Honolulu, Hawaii

Fel 29, 2008

RE: H.B. No. 2450 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2450 entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect farming operations from urban encroachment by requiring the reclassification, into the urban or rural district, of any land that is contiguous to the agricultural district, to contain a condition that no nonagricultural development shall be permitted within 300 feet of the property line bordering any parcel in the agricultural district on which farming operations are being conducted.

The Hawaii Agricultural Research Center, Hawaii Crop Improvement Association, Hawaii Farm Bureau Federation, and Hawaii's Thousand Friends supported this bill. The Department of Business, Economic Development, and Tourism supported the intent of this measure. The Department of Planning and Permitting of the City and County of Honolulu, Hawaii Reserves, Inc., and a concerned individual opposed this bill. The Department of Agriculture and a concerned individual submitted comments.

Your Committee notes that a similar measure, House Bill No. 408 HD2, SD1, is currently under consideration by the Senate Committee on Intergovernmental and Military Affairs.

Your Committee further notes that, in certain areas in our state, reclassification of a district adjacent to an agricultural district might reasonably contain a infrastructure development that would not impinge on farming activities. Additionally, your Committee is concerned that a standardized required width of at least 300 feet for a "buffer zone" adjacent to land in agricultural use may not reasonably take into account topographical features of the lands that might, as a practical matter, accomplish the same purpose within a lesser distance. Your Committee also notes that Chapter 165, Hawaii Revised Statutes, also known as the Hawaii Right to Farm Act, already protects owners and operators of farming operations from lawsuits grounded in nuisance relating to such activities.

With prior concurrence from your Committee on Agriculture, your Committee has amended this measure by deleting the distance from the property line within which nonagricultural development may occur. Your Committee has also amended this bill by:

- (1) Changing its effective date to January 1, 2112, 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2450, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2450, H.D. 1.

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

COMMY WATERS, Chai:

## State of Hawaii House of Representatives The Twenty-fourth Legislature

## HSCR 748-08

## Record of Votes of the Committee on Judiciary

HB2450 (HSCR192-08)	AGR/WLH, JUD		2/15/08°	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)   Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				Control (All Contr
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia				_
7. McKELVEY, Angus L.K.				
8. MORITA, Hermina M.				
9. SONSON, Alex M.			The state of the s	
10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia				
-				
TOTAL (16)	9	2		5
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office				