STAND. COM. REP. NO. 1447

Honolulu, Hawaii

Manh 23, 2007

RE:

S.B. No. 1756

S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

#### Sir:

Your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture, to which was referred S.B. No. 1756, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," beg leave to report as follows:

The purpose of this bill is to establish a state agricultural land protection program for the voluntary acquisition of agricultural easements on lands identified and designated as important agricultural lands (IALs) by, among other things:

- (1) Establishing the Agricultural Land Protection Foundation (Foundation);
- (2) Requiring the Foundation to adopt rules for, among other things, the evaluation and selection of agricultural easements on IALs, as defined in Chapter 205, Hawaii Revised Statutes (HRS);
- (3) Allowing the Foundation to acquire agricultural easements on IALs;
- (4) Providing that the sale or donation of an agricultural easement on IALs is eligible for tax incentives;

- (5) Restricting lands subject to an agricultural easement to agricultural uses; and
- (6) Establishing the Agricultural Land Protection Fund for the purchase of agricultural easements.

The Department of Agriculture, Hawaii Farm Bureau Federation, and Hawaii Agricultural Research Center testified in support of this bill. The Office of Planning and the Department of Budget and Finance supported the intent of this bill. The Department of Taxation, Hawaii Association of REALTORS, and several concerned individuals provided comments.

Upon careful consideration, your Committees have amended this bill by substituting the language in the Senate draft with language from House Bill No. 1922, H.D. 1. As amended, this bill, among other things:

- (1) Expedites the designation of IALs by the Land Use Commission (LUC) by:
  - (A) Repealing the existing petition process for landowners or farmers who wish to designate their lands as IALs, and establishing a revised landowner petition process for IAL designation;
  - (B) Exempting the landowner petition process from the stipulation that legislation establishing incentives and protections for IALs be enacted for the designation to take effect;
  - (C) Repealing the county process for identifying and mapping IALs;
  - (D) Requiring the LUC to, in consultation with certain other private and public entities, identify and designate lands as IALs; and
  - (E) Allowing the LUC to initiate designation of IALs;
- (2) Establishes a list of permissible uses for IALS; and
- (3) Revises the list of permissible uses for agricultural lands.



As affirmed by the records of votes of the members of your Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1756, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1756, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture,

CLIFT TSUJI, Chair

KEN ITO, Chair

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# Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.:  SB 1756 SD 1 (SSCR923)	Date:	11. 21 200	.7		
Committee Referral: WLH/AGR, FIN	☐ The committee is reconsidering its				
	previous decision on the measure.				
The recommendation is to: Pass, unamended	(5	ss, with amendmen			
☐ Hold		Pass, with amendments, for recommittal for further consideration			
WLH Members	Ayes	Ayes (WR)	Nays	Excused	
1. ITO, Ken (C)	8				
2. CHONG, Pono (VC)	7				
3. CARROLL, Mele	<b>\(\lambda</b> \)				
4. MAGAOAY, Michael Y.	X			was in the same and	
5. MORITA, Hermina M.				k	
6. SAGUM, Roland D., III	4				
7. SAIKI, Scott K.	$\sim$				
8. THIELEN, Cynthia	(			* <b>\</b> ø	
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TOTAL	4			2	
The recommendation is:					
☐ Not Adopted					
If joint referral,		did not suppo	ort recommendation.		
col	mmittee acronym(	s)			
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Vice Chair's or designee's signature:	_( )				
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Distribution: Original (White) – Committee	Duplicate (Yellov	w) – Glerk's Office			

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## Record of Votes of the Committee on Agriculture

Bill/Resolution No.:	Date:						
SB1756 SD1	3/	3/21/07					
Committee Referral: WLH/AGR,FIN	☐ The compreviou	☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to:  Pass, unamended	✓ Pas	Pass, with amendments					
☐ Hold		<ul> <li>Pass, with amendments, for recommittal for further consideration</li> </ul>					
AGR Members	Ayes	Ayes (WR)	Nays	Excused			
1. TSUJI, Clift (C)							
2. BROWER, Tom (VC)							
3. BERG, Lyla B., Ph.D.							
4. CHANG, Jerry L.							
5. HANOHANO, Faye P.	$\checkmark$						
6. HERKES, Robert N.							
7. MANAHAN, Joey							
8. WAKAI, Glenn				/			
9. YAMANE, Ryan I.							
10. YAMASHITA, Kyle T.							
11. CHING, Corinne W.L.							
12. MEYER, Colleen Rose				✓			
TOTAL	7			5			
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)  Vice Char's or designee's signature:							
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