

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2780  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B.  
No. 2780, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect agricultural lands  
rated class A or B and provide for the mandatory extension of  
certain agricultural leases.

Specifically, this measure requires an extension of at least  
seventy-five per cent of the original lease term when a lessee  
renegotiates a lease and makes or seeks to make substantial  
improvements on class A or B rated agricultural lands in a county  
with a population of over five hundred thousand residents. In  
addition, this measure allows for a shorter term or termination of  
a lease only if offered by the lessee and requires that any  
additional terms and conditions of the lease be mutually agreed  
upon. To further ensure the protection of such A and B rated  
lands, this measure prohibits any boundary amendment of any A or B  
agricultural designated land:

- (1) Where a farming operation is being conducted on the  
land;
- (2) The land is important for agriculture based upon the  
stock of similarly suited land in the area;



- (3) A boundary amendment would harm productivity or viability of existing agricultural activity in the area; and
- (4) A boundary amendment would cause fragmentation of or intrusion of nonagricultural uses into largely intact areas of agriculturally active lands.

Your Committee received written comments in support of this measure from the Waimanalo Agricultural Association. Comments in opposition were received from the Department of Business, Economic Development, and Tourism's Office of Planning; the City and County of Honolulu's Department of Planning and Permitting; D.R. Horton - Schuler Homes; and four individuals. Written comments were received from the Department of Agriculture and the Land Use Commission. The written comments may be viewed on the Legislature's website.

Your Committee finds that the inventory of agricultural land within the State is predetermined and once the land is developed, it can never be used for agriculture again. Your Committee believes that prime agricultural land is vital to the State and should be protected and preserved.

Your Committee also finds that prime agricultural land on Oahu is declining rapidly due to the construction of housing and other projects. With projects scheduled to be built on prime agricultural lands in Mokuleia, Kahuku, and the Ewa plain, the need to protect and preserve the State's fertile agricultural lands is critical.

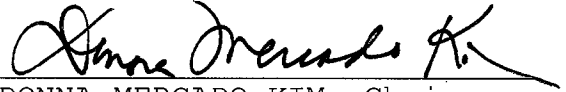
This measure will ensure that prime agricultural land on Oahu will be afforded due preference to recognize and support ongoing farming operations.

Your Committee has amended this measure by making technical, nonsubstantive changes for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2780, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2780, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



DONNA MERCADO KIM, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

|  |  |                          |          |          |
|--|--|--------------------------|----------|----------|
| Bill / Resolution No.:*<br><b>SB 2780 SD1</b>  | Committee Referral:<br><b>WTL, WAM</b> | Date:<br><b>02/18/10</b> |          |          |
| <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:<br><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  |
| KIM, Donna Mercado (C)   | ✓                                      |                          |          |          |
| TSUTSUI, Shan S. (VC)  | ✓                                      |                          |          |          |
| CHUN OAKLAND, Suzanne  | ✓                                      |                          |          |          |
| ENGLISH, J. Kalani   | ✓                                      |                          |          |          |
| FUKUNAGA, Carol  |  |                          |          | /        |
| GALUTERIA, Brickwood   | ✓                                      |                          |          |          |
| HEE, Clayton   | ✓                                      |                          |          |          |
| HOOSER, Gary L.  | ✓                                      |                          |          |          |
| KIDANI, Michelle N.  |  |                          |          | /        |
| KOKUBUN, Russell S.  | ✓                                      |                          |          |          |
| TOKUDA, Jill N.  |  |                          |          | /        |
| HEMMINGS, Fred   |  |                          |          | /        |
|  |  |                          |          |          |
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|  |  |                          |          |          |
| <b>TOTAL</b>   | <b>8</b>                               | <b>0</b>                 | <b>0</b> | <b>4</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                          |          |          |
| Chair's or Designee's Signature:<br>   |  |                          |          |          |
| Distribution:             Original     Yellow     Pink     Goldenrod<br>File with Committee Report   Clerk's Office   Drafting Agency   Committee File Copy  |  |                          |          |          |

\*Only one measure per Record of Votes