

STAND. COM. REP. NO.

2486

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2350

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Water, Land, and Housing and Agriculture,
to which was referred S.B. No. 2350 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to allow the
building of ohana dwellings on lands within the agricultural
district, as permitted under section 205-6, Hawaii Revised
Statutes.

Your Committees received testimony in support of this measure
from three Hawaii County Council Members, the Hawaii Association
of Realtors, and one individual. Your Committees received
testimony in opposition to this measure from the Department of
Agriculture and City and County of Honolulu Department of Planning
and Permitting. Your Committees received comments on this measure
from the Hawaii Farm Bureau Federation.

Your Committees find that allowing ohana dwelling units
encourages the private sector to create more housing units without
government subsidy, preserves green fields, and eases housing
affordability. Your Committees note that the County of Hawaii had
previously allowed for ohana dwellings in agricultural districts
until it was discovered that there were no existing state laws
explicitly permitting ohana dwellings. This measure will allow
the counties to authorize special permits for the construction of
ohana dwellings.




Your Committees understand the concerns expressed by the Department of Agriculture and the City and County of Honolulu and have amended this measure by:

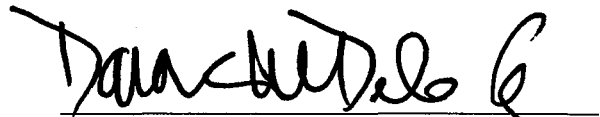
- (1) Restricting ohana dwellings to counties with a population of 500,000 or less;
- (2) Prohibiting an ohana dwelling from being designated as a limited common element in a condominium or rented as a single unit separate from the primary farm dwelling units;
- (3) Clarifying that ohana dwellings must be located on and used in connection with a farm or located where agricultural activity provides income to the occupants of the farm dwelling; and
- (4) 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, Land, and Housing and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2350, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2350, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, and
Housing and Agriculture,



CLARENCE K. NISHIHARA, Chair



DONOVAN M. DELA CRUZ, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Water, Land and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:	
SB2350	WLH/AGL	2/9/12	
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____			
The Recommendation is: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 </div>			
Members	Aye	Aye (WR)	Nay
DELA CRUZ, Donovan M. (C)	✓		
SOLOMON, Malama (VC)	✓		
FUKUNAGA, Carol			✓
RYAN, Pohai	✓		
SHIMABUKURO, Maile	✓		
TOKUDA, Jill N.			✓
SLOM, Sam	✓		
TOTAL	5		2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>			
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>			
Distribution: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>			

***Only one measure per Record of Votes**

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.:* SB 2350	Committee Referral: WLH/AGL	Date: 2-14-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
KAHELE, Gilbert (VC)	✓			
CHUN OAKLAND, Suzanne				✓
DELA CRUZ, Donovan M.	✓			
KOUCHI, Ronald D.	✓	✓		
SHIMABUKURO, Maile				✓
TOKUDA, Jill N.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	5	1	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

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