

Honolulu, Hawaii

FEB 18 2021

RE: S.B. No. 340

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Water and Land, to which was referred S.B. No. 340 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 amend certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure:

- (1) Farm dwellings on agricultural lands are accessories to a farm, or where the agricultural activities provide income of no less than \$10,000 per year to the family occupying the dwelling, and verified by general excise tax return filing or agricultural tax dedication;
- (2) Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
- (3) Applications for registration of condominium property regimes of agricultural land include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, other requirements pursuant to county ordinances and rule, and the developer's public report pursuant to section 514B-52, Hawaii Revised Statutes.



Your Committees received testimony in support of this measure from the Department of Agriculture, Department of Commerce and Consumer Affairs Real Estate Commission, Office of Planning, one member of the County Council of Maui, City and County of Honolulu Department of Planning and Permitting, Hawai'i Farm Bureau, Ulupono Initiative LLC, and three individuals.

Your Committees find that designating land for agricultural uses can increase the long-term sustainability of local agricultural production. Your Committees further find that to ensure that agricultural lands are being utilized appropriately, the Legislature enacted Act 278, Session Laws of Hawaii 2019, which directed the Office of Planning, in consultation with other agencies, to study land subdivision and condominium property regime laws relating to agricultural lands. As a result, the Office of Planning submitted recommendations to the Legislature on how to better enforce requirements that agricultural lands are used for agricultural purposes.

Your Committees further find that the State must ensure that agricultural lands are being used for agriculture and improve its enforcement of requirements that agricultural uses are taking place on agricultural lands. This measure amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended by the Office of Planning in its study of subdivision and condominium property regimes on agricultural lands on Oahu to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes. In addition, this measure allows meaningful county input in the condominium property regime process involving agricultural lands to ensure availability of necessary supportive infrastructure and identify and mitigate any potential negative impacts to environmentally or culturally significant resources.

Your Committees discussed allowing small scale farmers to retain the right to have small dwellings for farmer or farmhands live close to their crops, consistent with traditional farming and a way to reduce crime that happens on farmlands. Your Committees considered allowing for small dwellings not more than five hundred square feet, including trailers and campers to be permitted to be constructed on the leased area. Your Committees find that this

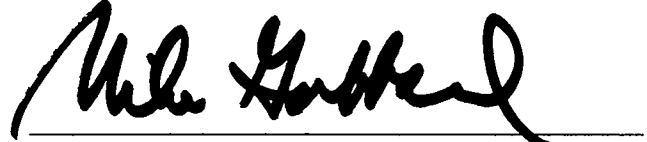


issue raises concerns that merit further consideration and requests that your Committee on Commerce and Consumer Protection further examine those issues and concerns raised on this measure.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 340 and recommend that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

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

  
LORRAINE R. INOUE, Chair

  
MIKE GABBARD, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <b>SB 340</b>	Committee Referral: <b>AEN/WTL, CPN</b>	Date: <b>02/12/2021</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
ACASIO, Laura		✓		
RHOADS, Karl	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	<b>3</b>	<b>2</b>		

Recommendation:  Adopted     Not Adopted

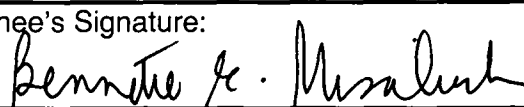
Chair's or Designee's Signature:  


Distribution:    Original    Yellow    Pink    Goldenrod  
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\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

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

Bill / Resolution No.:* <b>SB 340</b>	Committee Referral: <b>AEN/WTL, CPN</b>	Date: <b>2-12-2021</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)	✓			
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	.	✓		
<b>TOTAL</b>	<b>4</b>	<b>1</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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