

STAND. COM. REP. NO. 623

Honolulu, Hawaii

MAR 04 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 Committee on Commerce and Consumer Protection, to which was referred S.B. No. 340 entitled:

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

begs 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) That a farm dwelling on agricultural land is a permitted use if it is an accessory 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;
- (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, and any other requirements pursuant to county ordinances and rule; and



- (4) The developer's public report pursuant to section 514B-83, Hawaii Revised Statutes, shall include a verified statement.

Your Committee received testimony in support of this measure from the Department of Agriculture; Department of Commerce and Consumer Affairs Real Estate Commission; Office of Planning; City and County of Honolulu Department of Planning and Permitting; one member of the County Council of Maui; Ulupono Initiative LLC; Hawai'i Farm Bureau; Hawaii Cattlemen's Council, Inc.; and one individual.

Your Committee finds that the State must ensure that agricultural lands are being used for agricultural purposes and improve its enforcement to ensure 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. This measure also allows meaningful county input in the condominium property regime process involving agricultural lands to ensure availability of necessary supportive infrastructure and to identify and mitigate any potential negative impacts to environmentally or culturally significant resources.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 340 and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 340	Committee Referral: AEN/WTLC, CPN	Date: 2/23/21
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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
BAKER, Rosalyn H. (C)	/			
CHANG, Stanley (VC)	/			
MISALUCHA, Bennette E.	/			
NISHIHARA, Clarence K.	/			
RIVIERE, Gil	/			
SAN BUENAVENTURA, Joy A.	/			
FEVELLA, Kurt		/		
TOTAL	6	1	-	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Clarence K Nishihara

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