

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 287

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred S.B. No. 287, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is, for condominium property regimes located within agricultural districts, to authorize counties to require its approval of the subdivision of land greater than ten acres prior to the effective date of the condominium property regime.

Your Committees received testimony in support of this measure from the Department of Agriculture, Office of Planning and Sustainable Development, and Department of Planning and Permitting of the City and County of Honolulu. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that condominium property regimes are a specific form of property ownership that entitles the unit owner to a dwelling unit and a percentage of undivided interest in the common elements. However, the proliferation of condominium property regimes has also raised concerns regarding the effect on increasing agricultural land values and the amount of agricultural production occurring on condominium property regime developments.



This measure broadens the role of the counties to enforce county zoning laws and address concerns of condominium property regime activity on agricultural lands.

Your Committees also note the testimony of the Department of the Attorney General regarding the usage of the term "subdivision" in this measure, which is commonly used to refer to a specific county process that involves the division of a single parcel of land into two or more parcels. A county subdivision is a lengthy process that involves specific design requirements and a county-approval process. Establishment of a condominium property regime is a process separate from the county subdivision process, as a condominium property regime involves the division of ownership over land into multiple units. As condominium property regimes do not require county approval, the usage of the term "subdivision" may be unclear. Your Committees therefore find this concern merits further consideration, should this measure continue through the legislative process.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 287, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and Ways
and Means,


DONOVAN M. DELA CRUZ, Chair


BARRETT KEOHOKALOLE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 287 SD1	WTL, CPN/WAM	3/1/23		
<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
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton			✓	
TOTAL	4		1	
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 287 SD1	Committee Referral: WTZ, CPN/WAM	Date: 3/1/23		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.				X
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	12			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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