

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2812

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred S.B. No. 2812 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:

- (1) Clarify that agriculture activities in non-agricultural park lands may include the care and production of pasture lands;
- (2) Require the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture;
- (3) Require reports to the Legislature on compliance with the land transfers; and
- (3) Appropriate funds.

Your Committees received testimony in support of this measure from the Department of Agriculture; Ulupalakua Ranch; Hawaii Aquaculture & Aquaponics Association; Local Food Coalition; Hawai'i Farm Bureau; Maui Cattlemen's Association; Hawaii Crop Improvement Association; Ponoholo Ranch Limited; SC Ranch Co.; Maui County Farm Bureau; Kapapala Ranch; Circle5ranch; Hawaii Cattlemen's



Council, Inc.; and seven individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, The Nature Conservancy, Hawai'i Association of Watershed Partnerships, Conservation Council for Hawaii, and Sierra Club of Hawai'i.

Your Committees find that Act 90, Session Laws of Hawaii 2003, was enacted to authorize the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. Your Committees further find that many lessees of large acreages of land, primarily farmers and ranchers, have already been notified by the Department of Agriculture that their land leases were to be transferred to and managed by the Department of Agriculture. However, nearly seventeen years later, the Department of Land and Natural Resources has not yet transferred the lands. This measure will require the transfer to occur so that farmers and ranchers may prudently invest in infrastructure on the leased lands and succeed in producing more local food for the State.

Your Committees have amended this measure by:

- (1) Incorporating changes proposed by the Department of Agriculture and inserting language that requires the Department of Land and Natural Resources to return to its state inventory land that was transferred to the Department of Agriculture pursuant to this Act that the Department of Agriculture has determined to be unsuitable or unnecessary for agricultural use and making conforming amendments;
- (2) Removing and leaving unspecified the date that the lands are to be transferred from the Board of Land and Natural Resources to the Department of Agriculture;
- (3) Removing the tax map key numbers of the lands to be transferred from the Board of Land and Natural Resources to the Department of Agriculture;
- (4) Inserting language that requires the Department of Agriculture and the Department of Land and Natural Resources to jointly submit reports to the Legislature by the end of 2021 with recommendations on:




- (A) How the transfer of lands from the Department of Land and Natural Resources to Department of Agriculture can be implemented by the following year; and
 - (B) Addressing concerns raised regarding land stewardship by having the Department of Agriculture consider upon the transfer of lands, whether a fee would be assessed pursuant to the lease negotiated with the lessee, which would be used specifically for a watershed management plan utilizing the existing Agriculture Park Special Fund, and work together with the Department of Land and Natural Resources to allow continued management and stewardship of these important public trust lands and agriculture lands and making conforming amendments; and
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2812, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2812, S.D. 1, and be referred to your Committee on Ways and Means.

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



MIKE GABBARD, Chair


KAIALI'I MAHELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

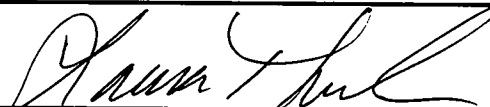
Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2812	WTL/AEN, WAM	2/7/20		
<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 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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
TOTAL	3	0	0	2
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				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 2812	Committee Referral: WTL/AEN, WAM	Date: 02/07/2020		
<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 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
GABBARD, Mike (C)	X			
RUDERMAN, Russell E. (VC)				X
RHOADS, Karl	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt	X			
TOTAL	4			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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