

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
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RONA M. SUZUKI
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

To: The Honorable Mike Gabbard, Chair;
The Honorable Russell E. Ruderman, Vice Chair;
and Members of the Senate Committee on Agriculture and Environment

From: Rona M. Suzuki, Director
Department of Taxation

Re: **H.B. 2277, H.D. 1, Relating to the Important Agricultural Land
Qualified Agricultural Cost Tax Credit**

Date: Wednesday, March 11, 2020

Time: 1:15 P.M.

Place: Conference Room 224, State Capitol

The Department of Taxation (Department) supports H.B. 2277, H.D. 1, an Administration measure.

H.B. 2277, H.D. 1, amends the important agricultural land qualified agricultural cost tax credit by changing the date the Department of Agriculture (DOA) shall cease certifying credits under section 235-110.93(l), Hawaii Revised Statutes, from December 31, 2021, to December 31, 2030. The measure has a defective effective date of July 1, 2050.

The Department defers to the DOA on the substance of the measure and its ability to continue certification of the tax credit through 2030. The Department requests that the certification requirement for this credit be maintained, as it does not have the knowledge and expertise necessary to certify this credit nor is it able to administer an aggregate cap.

Thank you for the opportunity to testify in support of this measure.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**MARCH 11, 2020
1:15 P.M.
CONFERENCE ROOM 224**

**HOUSE BILL NO. 2277, HOUSE DRAFT 1
RELATING TO THE IMPORTANT AGRICULTURAL LAND QUALIFIED
AGRICULTURAL COST TAX CREDIT**

Chairperson Gabbard and Members of the Committee:

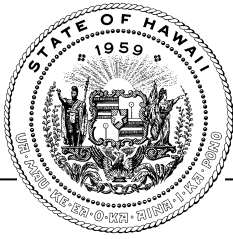
Thank you for the opportunity to testify on House Bill 2277 HD1. This Administration measure extends the time that the Department of Agriculture may certify Important Agricultural Lands (IAL) qualified agricultural costs from 2021 to 2030. The Department strongly supports this measure.

It is very important for the Department to continue certifying IAL qualified costs for the tax credits for two reasons. First, the landowners and farmers that have previously designated their lands as IAL continue to fund important and innovative improvements to those farmlands to increase productivity and the extended availability of these benefits encourages and ensures that such practices will continue. Second, two of the four counties (Maui and Hawaii) have yet to complete the mapping of their potential IAL and have these lands designated as IAL by the Land Use Commission, pursuant to Section 205-47. Those landowners and farmers eventually affected by those designations will expect access to all the IAL incentives enacted in 2008, of which the tax credit is one important component.

As a priority for both the Legislature and the Administration, IAL is an integral component in the State's strategy to increase local food self-sufficiency and is essential for establishing a land base for food production that will ensure food security for our State's residents.



Thank you for the opportunity to testify on this measure.



OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Wednesday, March 11, 2020
1:15 PM
State Capitol, Conference Room 224

in consideration of
HB 2277, HD 1
**RELATING TO THE IMPORTANT AGRICULTURAL LAND QUALIFIED
AGRICULTURAL COST TAX CREDIT.**

Chair Gabbard, Vice Chair Ruderman, and Members of the Senate Committee on Agriculture and Environment.

The Office of Planning (OP) **strongly supports** HB 2277, HD 1, which would extend the Department of Agriculture's certification of credits for important agricultural land (IAL) qualified agricultural costs from December 31, 2021 to December 31, 2030.

OP supports the renewal and extension of the qualified agricultural cost tax credit to ensure continued availability of the tax credit to help farmers manage the cost of investments in their farming operations. Successful commercial farming is the most cost-effective way to protect farmland. The IAL incentives package passed in 2008, including this tax credit, was always intended to be a long-term commitment to providing permanent tools and services—like agricultural real property tax dedication provisions—that would promote and grow Hawaii's agricultural industry and promote agricultural viability for current and future farmers on Hawaii's best lands, particularly those designated as IAL.

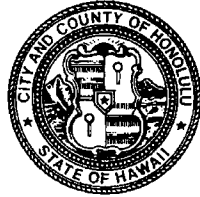
OP suggests consideration be given to making this a permanent tax credit since farming requires ongoing investment in agricultural infrastructure, equipment, and farm improvements. If fiscal impact is a concern, then a provision for periodic review of the tax credit could be mandated.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

March 11 2020

The Honorable Mike Gabbard, Chair
and Members of the Committee on Agriculture
and Environment
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Gabbard and Committee Members::

**SUBJECT: House Bill No. 2277, HD 1
Relating to Important Agricultural Land
Qualified Agricultural Cost Tax Credit**

The Department of Planning and Permitting **supports** House Bill No. 2277, HD 1, which extends the time that the State Department of Agriculture may certify important agricultural lands (IAL) qualifying tax credits for farmers and landowners claiming tax credits to December 31, 2030.

Extending the tax credit will allow owners of land designated IAL to receive credit for costs such as roads and utilities, agricultural processing facilities, water wells, reservoirs, dams, pipelines, agricultural housing, feasibility studies, and equipment. This is a much-needed incentive to encourage farmers to continue to work the land and help to obtain the ultimate goal of food self-sufficiency.

For your information, the Department of Planning and Permitting completed its IAL mapping project and transmitted its report and maps showing lands recommended for IAL designation to the Honolulu City Council on August 31, 2018. The City Council adopted the maps, with amendments, and transmitted its recommendations in Resolution No. 18-233, CD1, FD1, to the State Land Use Commission on June 5, 2019.

Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink that reads "Kathy K. Sokugawa".

Kathy K. Sokugawa
Acting Director



March 5, 2020

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
Senate Committee on Agriculture and Environment

Support of HB 2277, H.D.1, Relating to the Important Agricultural Land Qualified Agricultural Cost Tax Credit (Extends the time the Department of Agriculture may certify important agricultural lands qualified agricultural costs for the purposes of the qualified agricultural cost tax credit through the 2030 tax year; effective 07/01/2050.)

Wednesday, March 11, 2020, at 1:15 p.m., in Conference Room 224

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and utility companies. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **support of HB 2277, H.D.1** and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture, including important agricultural lands (IAL) in Hawaii.

HB 2277, H.D.1. The purpose of this bill is to extend the period of time during which the Department of Agriculture (DOA) may certify important agricultural land qualified agricultural cost tax credits from 2021 through the 2030 tax year, to allow landowners and farmers to claim the tax credit in the event their agricultural lands are identified as potential important agricultural lands and designated as such by the Land Use Commission (LUC).

LURF's Position. LURF members include farmers and ranchers who own, maintain, and engage in agricultural enterprises, and who consider incentives such as the subject tax credits very helpful, if not critical to the agriculture industry and conduct of their operations. The tax credits assist qualified landowners and farmers by offsetting costs

related to establishing and sustaining viable agricultural operations and help to sustain agricultural businesses, promote local food production, and increase the State's ability to achieve its food self-sufficiency goals.

The purpose of this bill is consistent with the underlying intent and objectives of the IAL laws (Hawaii Revised Statutes [HRS], Sections 205-41 to 52), which were enacted to fulfill the mandate in Article XI, Section 3, of the Hawaii State Constitution, "to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." The IAL laws established a new paradigm which avoids requirements and mandates, and instead focuses on promoting agricultural viability by providing incentives for farmers and landowners to designate lands as IAL, and to build necessary infrastructure. This bill is thus an effort to expand the existing IAL program by continuing incentives for landowners to preserve and maintain IAL.

As noted in HRS Section 205-41, the intent of Act 183 (2005) was to develop agricultural incentive programs to promote agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands for agricultural use in Hawaii concurrently with the process of identifying important agricultural lands as required under the Act. Such incentives and programs are expressly identified in HRS 205-41, and specifically include assistance in identifying federal, state and private grant resources for agricultural business planning and operations; as well as incentives such as tax credits that promote investment in agricultural businesses or value-added agricultural development, and other agricultural financing mechanisms.

The DOA, however, will currently cease certifying tax credits for tax years beginning after 2021. Moreover, the counties have not provided IAL incentives to date. The proposed extension will allow landowners and farmers to claim the tax credit should their lands be identified as potential important agricultural lands by the LUC. Passage of the long-awaited IAL legislation would be meaningless without incentives such as the subject measure which help sustain agricultural enterprises and encourage cooperation with, and support of the business and economic communities. By recognizing the significance of, and need to assist the local agriculture industry, and to uphold incentives which help to support the growth and maintenance of agriculture in the State, this measure significantly helps to promote economically viable agriculture and food self-sufficiency in Hawaii.

For the reasons set forth above, LURF is **in support of HB 2277, H.D.1**, and respectfully urges your favorable consideration of this bill.



KAMEHAMEHA SCHOOLS®

Senate Committee on Agriculture and Environment

Time: 1:15 p.m.

Date: March 11, 2020

Where: State Capitol Room 224

TESTIMONY

By Dana Sato

Director, Asset Management (O'ahu)

RE: **HB 2277, HD1, Relating to the Important Agricultural Land Qualified Agricultural Cost Tax Credit**

E ka Luna Ho'omalū Gabbard, ka Hope Luna Ho'omalū Ruderman, a me nā Lālā o kēia Kōmike, aloha!

We are writing in **SUPPORT of HB 2277, HD1**, which extends to the 2030 taxable year the important agricultural land qualified agricultural cost tax credit.

Kamehameha Schools believes that our educational mission is best achieved in a society that supports and enables the success of our learners. One significant component of such a society is a sustainable, local food system. For this reason, we have heavily invested in agriculture on our lands across Hawai'i to contribute to the State's Aloha+ Challenge goal of doubling local food production by 2030.

The IAL tax credit plays an important role in achieving this goal by promoting greater investment in Hawai'i's agricultural economy. Specifically, IAL Tax Credits incentivize landowners and lessees to invest in improving and upgrading decades-old infrastructure and, maybe more importantly, to invest in new facilities essential to a modern agricultural economy, lowering (at least in part) the economic barriers that have historically dissuaded needed investments.

Realizing the full potential of such investments, however, takes time, commitment, and patience. Extending the IAL Tax Credit through 2030 will give mahi'ai, our pae'āina, and our Lāhui the time and opportunity to realize a vision of Hawai'i that is fully invested in the future of its agricultural economy. Accordingly, we kindly request you **PASS HB 2277, HD1**.

Founded in 1887, Kamehameha Schools is an organization striving to advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership. Mahalo nui!

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

TESTIMONY OF JAMES J. NAKATANI
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
MONDAY, March 11, 2020
1:15 p.m.

HOUSE BILL NO. 2277 HD1
RELATING TO THE IMPORTANT AGRICULTURAL LAND QUALIFIED
AGRICULTURAL COST TAX CREDIT

Chairperson Gabbard and Members of the Committee:

My name is James Nakatani, Executive Director of the Agribusiness Development Corporation (“ADC”). The ADC supports House Bill No. 2277 HD1, which will extend the important agricultural land qualified agricultural cost tax credit that will expire at the end of the 2021 tax year.

It is important for the HDOA to continue to support landowners and farmers in the Important Agriculture Land (IAL) designation process. The tax credit is a major incentive for farmers to participate in the IAL process and assists in their efforts to expand agriculture production in the State.

Thank you for the opportunity to testify, and for your consideration of this bill.



Email: communications@ulupono.com

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT
Wednesday, March 11, 2020 — 1:15 p.m. — Room 224

Ulupono Initiative supports HB 2277 HD 1, Relating to the Important Agricultural Land Qualified Agricultural Cost Tax Credit.

Dear Chair Gabbard and Members of the Committee:

My name is Amy Hennessey, and I am the Senior Vice President of Communications & External Affairs at Ulupono Initiative. We are a Hawai'i-based impact investment firm that strives to improve our community's quality of life by creating more locally produced food; increasing affordable clean renewable energy and transportation options; and better managing waste and fresh water resources.

Ulupono supports HB 2277 HD 1, which extends the time that the Department of Agriculture may certify important agricultural lands qualified agricultural costs through the 2030 tax year.

The Important Agricultural Lands designation is an important tool that exists to keep agricultural land in active production. As development encroaches rural districts, it is important to maintain the State's most productive lands in agriculture and encourage those producers to continue operations to support the State's food security and sustainability goals. This tax credit ensures an incentive to landowners to keep agricultural lands in productivity for perpetuity.

Thank you for this opportunity to testify.

Respectfully,

Amy Hennessey, APR
Senior Vice President, Communications & External Affairs

Investing in a Sustainable Hawai'i



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March 11, 2020

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON HB 2277, HD1
RELATING TO THE IMPORTANT AGRICULTURAL LAND QUALIFIED
AGRICULTURAL COST TAX CREDIT

Room 224
1:15 PM

Aloha Chair Gabbard, Vice Chair Ruderman, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau supports HB 2277, HD1, which extends through the 2030 tax year, the time that the Department of Agriculture may certify important agricultural lands qualified agricultural costs.

Hawaii is the first state in the country to have an Agricultural Land Preservation measure focused on agricultural viability. During the weeks of deliberation that created Hawaii's Important Agricultural Lands initiative, a review was conducted of ag land preservation measures across the nation. Initiatives that were passed many years ago were especially taken under close scrutiny to determine whether their intents were realized. What became obvious was payments for development rights, preserved land from agriculture but did not necessarily keep the land in agriculture -- it succeeded in keeping them in open space. Too often, the recipient of the benefit used it to pay off debt, passed the land to a successor who now had no benefits and reduced collateral to go to the bank for loans as the land was devalued.

Taking these lessons to heart, the move was made to create incentives to reward investments in infrastructure – improvements to irrigation systems and other basic infrastructure, construction of value-added facilities, or construction of irrigation water storage facilities were among the qualified agriculture expenditures that were deemed needed for viable operations. The structure of the incentive as a tax credit for only a percentage of costs forces serious investments vs. those that do it just to get a tax credit.

Also, since the tax credit requires that the applicant is paying taxes it is most likely a viable business endeavor.

There appears to be a priority to keep lands in agriculture as seen by numerous measures to purchase lands by the State. The IAL program encourages the VOLUNTARY designation of the lands in exchange for the incentives a cost-effective way to preserve ag operations – not just lands, for future generations.

We therefore respectfully request your strong support of this measure as a continued investment to agriculture's future in the State of Hawaii.