

STAND. COM. REP. NO.

1686

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 469
H.D. 1
S.D. 2

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

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred H.B. No. 469, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE TRANSFER OF NON-
AGRICULTURAL PARK LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to address the management of certain non-agricultural park lands under the control of the Department of Land and Natural Resources.

Specifically, this measure:

- (1) Establishes a mechanism for the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture;
- (2) Requires the Department of Land and Natural Resources and Department of Agriculture to meet every five years to determine additional lands that may be appropriate for transfer;
- (3) Requires the Department of Land and Natural Resources to report to the Legislature on its meetings with the Department of Agriculture; and



- (4) Authorizes the Board of Land and Natural Resources to amend and extend existing pasture or industrial leases and to issue new pasture or industrial leases by negotiation.

Your Committees received written comments in support of this measure from the Hawaii Aquaculture and Aquaponics Association and one individual.

Your Committees received written comments in opposition to this measure from Kapapala Ranch, Hawaii Meats LLC, Rocker G Livestock, and the Land Use Research Foundation of Hawaii.

Your Committees received written comments on this measure from the Department of Agriculture; Department of Land and Natural Resources; Local Food Coalition; Ulupono Initiative; Ulupalakua Ranch; Hawaii Cattlemen's Council; Larry Jefts Farms, LLC; Hawaii Farm Bureau; and Ponoholo Ranch Limited.

Your Committees find that many state pasture lessees have requested the Department of Land and Natural Resources to transfer their leases to the Department of Agriculture for management. Your Committees further find that the Department of Land and Natural Resources has not acted on some of these requests because of the high natural resource value of certain pasture lands, their proximity to forest reserves, or their importance in providing access to other public lands for hunting or public recreation purposes.

Your Committees have amended this measure by:

- (1) Amending provisions regarding the transfer and management of non-agricultural park lands to:
 - (A) Provide that the Department of Land and Natural Resources and Department of Agriculture shall identify by mutual agreement non-agricultural park lands under the jurisdiction of the Department of Land and Natural Resources and in agricultural use that should remain under the jurisdiction of the Department of Land and Natural Resources;



- (B) Require that all other non-agricultural park lands under the jurisdiction of the Department of Land and Natural Resources that are in agricultural use and are not identified pursuant to subparagraph (A) be placed under the jurisdiction of the Department of Agriculture;
 - (C) Remove language requiring the transfer of non-agricultural park lands no later than December 31, 2023; and
 - (D) Require mutual agreement of the Department of Land and Natural Resources and Department of Agriculture on the determination of lands that may be appropriate for the Department of Land and Natural Resources to transfer to the Department of Agriculture beginning in the 2021-2022 fiscal year and no less than every fifth fiscal year thereafter;
- (2) Removing a provision that requires the Department of Land and Natural Resources to report to the Legislature on the rezoning of non-agricultural park lands that are not in use for the public purpose for which the lands were leased;
 - (3) Removing provisions affecting the amendment and extension of industrial leases or the issuance of new industrial leases;
 - (4) Removing provisions that would have amended compensation provisions for capital improvements to lands leased for intensive agricultural or pasture uses and limited the ability for the Department of Land and Natural Resources to withdraw land based on the increase of a lessee's cost of production;
 - (5) Requiring, rather than authorizing, the Board of Land and Natural Resources to apply a lower rate of return on a pasture lease if warranted, after consideration of the public purpose served by the lease, use restrictions under the lease, and any obligation of the lessee to provide conservation or stewardship services; and



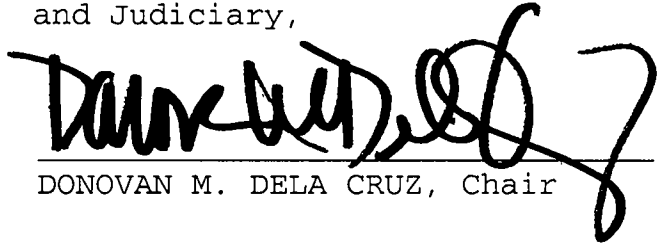
- (6) Making technical nonsubstantive changes for purposes of consistency, clarity, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 469, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 469, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,



KARL RHOADS, Chair

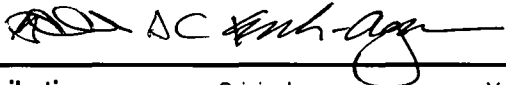


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date: <i>4/7/21</i> <i>4/16/21</i>		
<i>HB 469, HD1, SD1</i>	<i>WTL/AEN, WAM/JDC</i>			
<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
DELA CRUZ, Donovan M. (C)	<i>X</i>			
KEITH-AGARAN, Gilbert S.C. (VC)	<i>X</i>			
ENGLISH, J. Kalani	<i>X</i>			
INOUYE, Lorraine R.	<i>X</i>			
KANUHA, Dru Mamo	<i>X</i>			
KIDANI, Michelle N.	<i>X</i>			
MORIWAKI, Sharon Y.	<i>X</i>			
SHIMABUKURO, Maile S.L.	<i>X</i>			
TANIGUCHI, Brian T.	<i>X</i>			
WAKAI, Glenn	<i>X</i>			
FEVELLA, Kurt	<i>X</i>			
TOTAL	<i>11</i>			
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

