

STAND. COM. REP. NO. 3870

Honolulu, Hawaii

APR 08 2022

RE: H.B. No. 1658
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred H.B. No. 1658, 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 facilitate the transfer of non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture.

Specifically, this measure:

- (1) Authorizes the Department of Agriculture, prior to the transfer of certain qualifying non-agricultural park lands, to request from the Department of Land and Natural Resources any information related to the establishment of necessary and reasonable easements upon the lands;
- (2) Requires the Department of Agriculture to accept the transfer of and manage certain encumbered non-agricultural park lands;
- (3) Requires the Department of Agriculture, prior to offering a lease, to inquire with the Department of Land



and Natural Resources regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease;

- (4) Exempts from formal county subdivision process and approval requirements the granting of easements over public lands that affect the transfer of undeveloped public lands between the Department of Land and Natural Resources and the Department of Agriculture;
- (5) Requires a lessee to develop a conservation program and plan if conservation resources exist on lands subject to the lease; and
- (6) Requires approval from the Board of Land and Natural Resources and Board of Agriculture before removing pasture lands for reforestation or other public purposes.

Your Committees received written comments in support of this measure from Ponoholo Ranch Limited; Larry Jefts Farms, LLC; Hawaii Cattlemen's Council; Ulupono Initiative; Hawaii Farm Bureau; Kapapala Ranch; Local Food Coalition; and thirteen individuals.

Your Committees received written comments in opposition to this measure from the Department of Land and Natural Resources, The Nature Conservancy of Hawaii and Palmyra, and Sierra Club of Hawaii.

Your Committees received written comments on this measure from the Department of the Attorney General, Department of Agriculture, and Land Use Research Foundation of Hawaii.

Your Committees find that although Act 90, Session Laws of Hawaii 2003, was enacted to facilitate the transfer of certain non-agricultural park lands to the Department of Agriculture, lengthy transfer processes have stalled the transfer of many parcels of land that are primarily used for agricultural production.

Your Committees have amended this measure by:



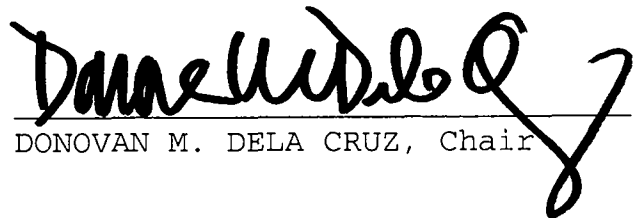
- (1) Requiring, rather than authorizing, that the granting of easements over public lands that affect the transfer of public lands between the Department of Land and Natural Resources and Department of Agriculture be exempted from formal county subdivision processes and approval requirements;
- (2) Removing the requirement that the public lands being transferred be undeveloped in order to be eligible for the exemption described in paragraph (1);
- (3) Amending legislative findings relating to non-agricultural park lands;
- (4) Providing for the Department of Agriculture to accept the transfer and management of certain qualifying non-agricultural park lands, rather than encumbered non-agricultural park lands;
- (5) Codifying in section 166E-3, Hawaii Revised Statutes, provisions of the measure that establish requirements that must be met before pasture leases are removed for reforestation or other public purposes; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, 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. 1658, 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. 1658, 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

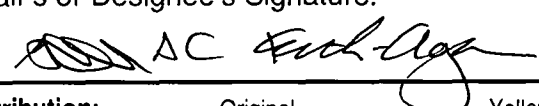


DONOVAN M. DELA CRUZ, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

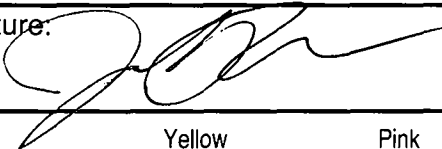
Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1658, HD7, SD7	WTL/AEN, WAM/JDC	4/5/22
<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)	X	
KEITH-AGARAN, Gilbert S.C. (VC)	X	
INOUYE, Lorraine R.	X	
KANUHA, Dru Mamo	X	
KIDANI, Michelle N.		X
MISALUCHA, Bennette E.	X	
MORIWAKI, Sharon Y.	X	
SHIMABUKURO, Maile S.L.	X	
TANIGUCHI, Brian T.	X	
WAKAI, Glenn	X	
FEVELLA, Kurt		X
TOTAL	9	1
		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-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1658, HD1, SD1	WTL/AEN, WAM/JDC	04-05-22		
<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
RHOADS, Karl (C)	//			
KEOHOKALOOLE, Jarrett (VC)				
ACASIO, Laura		/		
GABBARD, Mike	/			
KIM, Donna Mercado	//			
LEE, Chris	/			
FEVELLA, Kurt		/		
TOTAL	5	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