

Honolulu, Hawaii

FEB 18 2022

RE: S.B. NO. 2174
S.D. 1

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

Sir:

Your Committees on Agriculture and Environment, Water and Land, and Energy, Economic Development, and Tourism, to which was referred S.B. No. 2174 entitled:

"A BILL FOR AN ACT RELATING TO AQUACULTURE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish within the Department of Agriculture an Aquacultural Area Lease Program for the purpose of identifying state facilities, lands, and marine waters that are suitable for use as commercial agricultural areas and leasing them to be used for aquaculture;
- (2) Allow agencies having control and management of identified aquacultural areas to lease the facilities, lands, and waters to the Department of Agriculture;
- (3) Allow the Aquacultural Area Lease Program to use the funds in the Aquacultural Development Special Fund;
- (4) Require revenues obtained from aquacultural area leases to be deposited into the Aquacultural Development Special Fund;
- (5) Impose penalties and civil and criminal liabilities; and



- (6) Exempt the Aquacultural Area Lease Program from being subject to the Hawaii Ocean and Submerged Lands Leasing Act.

Your Committees received testimony in support of this measure from the Department of Agriculture, University of Hawai'i Sea Grant College Program, Hatch Aquaculture Fund Management LLC, and Kohala Mountain Fish Company. Your Committees received comments on this measure from the Office of Information Practices and one individual.

Your Committees find that aquacultural production presents a valuable opportunity for the State. Increasing aquacultural production would greatly benefit the State's economic development and promote Hawaii's food self-sufficiency goals. This measure establishes an Aquacultural Lease Program to identify and lease certain areas for the development of aquacultural production. Your Committees further find that, according to testimony submitted by the Department of Agriculture, the Department of Agriculture is better suited to administer the program than the Board of Agriculture.

Accordingly, your Committees have amended this measure by:


- (1) Replacing the Board of Agriculture with the Department of Agriculture as the administrator for the program;
- (2) Removing a requirement that the Department of Agriculture hold meetings pursuant to chapter 92, Hawaii Revised Statutes; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

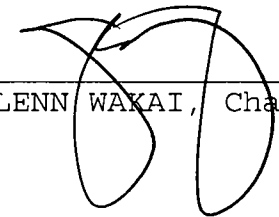
As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Water and Land, and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2174, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2174, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment, Water and Land,
and Energy, Economic
Development, and Tourism,


LORRAINE R. INCUYE, Chair


MIKE GABBARD, Chair


GLENN WAKAI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 2174	Committee Referral: AEN/WTL/EET WAM/JDL	Date: 02/11/22
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
ACASIO, Laura		/		
RHOADS, Karl	/			
FEVELLA, Kurt		/		
TOTAL	3	2		

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Clarence K. Nishihara

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*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2174	AEN/WTL/EET, WAM/JDC	2/11/22

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt		X		
TOTAL	4	1	0	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Energy, Economic Development, and Tourism
EET

Bill / Resolution No.:* SB 2174	Committee Referral: AEN/WTL/EET, NAM/JDC	Date: 2/11/22
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
MISALUCHA, Bennette E. (VC)	✓			
LEE, Chris	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt		✓		
TOTAL	4	1	6	0

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
Bennette E. Misalucha

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***Only one measure per Record of Votes**