

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON
AGRICULTURE AND ENVIRONMENT**

**JANUARY 31, 2022
1:00 P.M.
CONFERENCE ROOM 224 &
VIA VIDEOCONFERENCE**

**SENATE BILL NO. 2628
RELATING TO PUBLIC AUCTIONS**

Chairperson Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2628. This bill requires the disposition of any public lands under the jurisdiction of the Board of Agriculture or Department of Agriculture by public auction to be open to the public. It also requires the Board of Agriculture or Department of Agriculture, as applicable, to issue public advertisements for each public auction. The Department of Agriculture respectfully opposes this bill as being unnecessary since our existing procedures and practices currently require such public involvement.

Currently, all methods of disposition must be public noticed, including public auctions. The department is concerned that the inclusion of this mandate in HRS Chap. 141 may create an ambiguity in the Department's land disposition that unintentionally allows anyone, regardless of bonafide farmer qualifications, to bid for our lands. Our land programs have strict qualifications with the sole intent to ensure that only applicants with legitimate farming business experience can participate and make an offer for a vacant parcel. We believe that this vetting process creates the best possible scenario for a successful farming operation.

Thank you for the opportunity to testify.





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JANUARY 31, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 2628
RELATING TO PUBLIC AUCTIONS

Conference Room 224 & Videoconference
1:00 PM

Aloha Chair Gabbard, Vice-Chair Nishihara, 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 provides comments on SB 2628, which requires the disposition of any public lands under the jurisdiction of the Board of Agriculture or Department of Agriculture by public auction to be open to the public, and when applicable, issue public advertisements for each public auction.

HFB believes that the Hawaii Department of Agriculture is well equipped to manage agricultural lands with their current lease-making authority. Leases that are entered into or renewed under the Department of Agriculture are by negotiation, as stated under HRS 166-11. The benefit of agricultural leases under the Department of Agriculture is that the lessee is based on agricultural value, has the right of first refusal, and has the ability to negotiate leases. It is important that this bill does not impede on the Department of Agriculture's current lease rules, rather only applies when public auctions are required for the disposition of public lands.

Thank you for the opportunity to testify on this important matter.



COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

SB2628
RELATING TO PUBLIC AUCTIONS

Monday, January 31, 2022, 1:00 PM
VIA VIDEOCONFERENCE

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **offers comments on SB2628** to require the disposition of public lands by public auction to be open to the public. Public advertisement allows for widespread awareness of the availability of the public auction, and allows for the best potential tenant to prepare for bidding. Public auctions also have the potential to bring in more funding for the State than sealed bids would.

However, we strongly suggest that it be made clear that leases that are entered into or renewed under the Department of Agriculture are by negotiation, as stated under HRS 166-11. The benefit of agricultural leases under the Department of Agriculture are that the lessee has the right of first refusal and ability to negotiate leases. It is important that this bill does not impede on the Department of Agriculture's current lease rules, rather only applies when public auctions are required for disposition of public lands.

We appreciate the opportunity to testify on this measure.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



SB-2628

Submitted on: 1/30/2022 5:25:14 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Theresa M Thompson	Testifying for Thompson Ranch	Support	No

Comments:

I am in support of this bill SB2628. I agree that ALL public lands, DOA or DLNR, should be at Public Auction and not a Silent Auction.

Thank you,

Theresa Thompson



HAWAII MEATS

Hawaii Meats, LLC
91-319 Olai Street
Kapolei, HI 96707

Date 1-30-22

Subject SB 2628

Aloha
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

My Name is Bobby Farias Rancher and part owner of Hawaii Meats LLC. I would like to voice my support of SB 2628.

Please except our support of SB 2628

Mahalo for your time,

Bobby Farias
President – Hawaii Meats, LLC

SB-2628

Submitted on: 1/28/2022 7:27:31 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gene Ross K. Davis	Individual	Support	No

Comments:

Please Support SB2628

SB-2628

Submitted on: 1/28/2022 9:24:34 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rosie F Davis	Individual	Support	No

Comments:

Aloha

I support bill SB2628.

Mahalo Rosie

SB-2628

Submitted on: 1/28/2022 8:47:47 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Iolani Kuoha	Individual	Support	No

Comments:

To Whom It May Concern,

I support SB2628 which requires the disposition of any public lands under the jurisdiction of the Board of Agriculture or Department of Agriculture by public auction to be OPEN to the public. It also requires the Board of Agriculture of the Department of Agriculture to issue public advertisements for each public auction.

Mahalo,

‘Iolani Kuoha

SB-2628

Submitted on: 1/29/2022 1:42:52 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Winona Kaawa	Individual	Support	No

Comments:

As a Hawaiian Homesteader on Molokai, I support an Agriculture Board member from Molokai.

SB-2628

Submitted on: 1/29/2022 3:20:25 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Victoria Anderson	Individual	Support	No

Comments:

Please pass this important bill.

SB-2628

Submitted on: 1/30/2022 2:40:16 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brendan Balthazar	Individual	Support	No

Comments:

I am very supportive of this bill. It has been long coming. It assures the state will receive the most money for the land and it gives a lot of transparency to an auction. No secret back door deals. Egg. all applicants are screaned and then the ones who qualify are notified to bid. After the silent bids are opened the highest bidder can be passed by because it can be determined by the screaner,they a lower bidder was more qualified,(a friend maybe) . And no one will know anything except who ended up with the bid, becuse its silent. This is all legal because up front the rules state that the bit will go to the most qualified bidder. Everyone knows in a silent auction you put in your bid and it can't be changed . But if you placed that exact same bit at a public auction for the same item and someone bids a dollar more you will up your bid. Eventually that item will go for a lot more money to the real highest bidder. We all know the state does need money. This bill should not only apply to aggriculture. But any and all state land that may be put out for public auction be it by DOA or DLNR. This bill should have nothing to do with existing leases.

Brendan Balthazar

SB-2628

Submitted on: 1/30/2022 3:13:39 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bronson Azama	Individual	Oppose	No

Comments:

This Bill is highly concerning as I have grave concerns for the loss of stolen Hawaiian Government Lands and Crown Lands to private interests. Such lands included in the Public Lands trust are supposed to be held in trust for the return of a Native Governing Entity. The loss of these lands can be perceived as an attempt to decapacitize our ability to effectively manage these lands in the future. These lands are not the State's to auction off, period!

SB-2628

Submitted on: 1/30/2022 5:40:17 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bobbie Patnode	Individual	Support	No

Comments:

Aloha - I strongly support this bill. This bill should not only apply to agriculture, but also to any and all state land that may be put out for public auction be it by DOA or DLNR.

-Bobbie Patnode

SB-2628

Submitted on: 1/30/2022 6:40:25 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
James Kimo Falconer	Individual	Support	No

Comments:

Please support SB-2628. Mahalo

SB-2628

Submitted on: 1/30/2022 7:02:03 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Williams	Individual	Support	No

Comments:

It is vital that any auction of leases or licenses to public lands including water is conducted in the open--no back room deals.

SB-2628

Submitted on: 1/30/2022 7:58:34 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark Sheehan	Individual	Support	No

Comments:

I support this bill because I oppose back-room deals and believe the state and the public will profit more from public auctions.

SB-2628

Submitted on: 1/30/2022 8:04:36 PM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lucienne de Naie	Individual	Support	No

Comments:

Please support this bill. We need public scrutiny for deals made for public lands.

Mahalo

Lucienne de Naie

Huelo, Maui, Hawaii

SB-2628

Submitted on: 1/31/2022 8:46:27 AM

Testimony for AEN on 1/31/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Faith Tuipulotu	Individual	Support	No

Comments:

I'm in support