

STAND. COM. REP. NO.

996

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 77  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 77, 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:

- (1) Before the transfer of non-agricultural park lands, authorize the Department of Agriculture to request information from the Department of Land and Natural Resources related to the establishment of necessary and reasonable easements upon the lands;
- (2) Amend legislative findings regarding non-agricultural park lands;
- (3) Delete the requirements that the Board of Land and Natural Resources approve and that it and the Board of Agriculture mutually agree in order to transfer non-agricultural park lands;
- (4) Require the Department of Agriculture to accept the transfer of and manage certain qualifying non-agricultural park lands;



- (5) Require 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;
- (6) Continue to require the lessee to maintain a conservation plan; and
- (7) Require approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes.

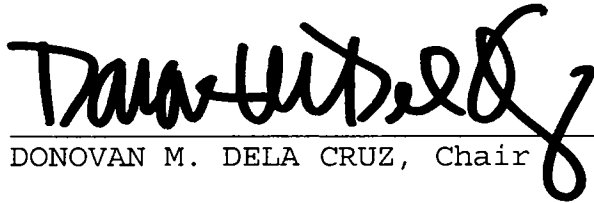
Your Committees received testimony in support of this measure from the Hawaii Cattlemen's Council, Inc.; Larry Jefts Farms LLC; Ponoholo Ranch Limited; Kealia Ranch; Local Food Coalition; Hawaii Fish Company Inc.; Ulupono Initiative; Hawai'i Farm Bureau; Land Use Research Foundation of Hawaii; Kapāpala Ranch; McCandless Ranch; Hawaii Sustainable Beef Enterprises; and thirteen individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Hawai'i Climate Change Mitigation and Adaptation Commission, Hawaii's Thousand Friends, The Nature Conservancy, Sierra Club of Hawai'i, Conservation Council for Hawai'i, Ahahui Malama I Ka Lokahi, Environmental Caucus of the Democratic Party of Hawai'i, HECA Carbon Sequestration Task Force, and seven individuals. Your Committees received comments on this measure from the Department of Agriculture and Office of Hawaiian Affairs.

Your Committees find that Act 90, Session Laws of Hawaii 2003 (Act 90), was enacted to transfer certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. In 2021, the Act 90 Working Group, established by Act 139, Session Laws of Hawaii 2021, determined that lands under the Department of Land and Natural Resources used for the primary purpose of agricultural production should be transferred to the Department of Agriculture following the conditions and procedures set out by Act 90. While parcels totaling approximately forty thousand acres have been transferred since 2003, many others have not been transferred. This measure will further facilitate land transfers.



As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 77, S.D. 1, and recommend that it pass Third Reading.

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

  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

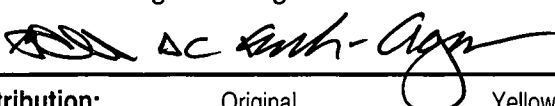
**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:* <b>SB 77 SDI</b>	Committee Referral: <b>WTL/AEN, JDC/WAM</b>	Date: <b>2/15/23</b>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>1</b>	<b>—</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                            Yellow                            Pink                            Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

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SB 77, SDI	WTL/AEN, JDC/WAM	2/15/23
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The Recommendation is:		
<input checked="" type="checkbox"/> Pass, unamended 2312 <input 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	
AQUINO, Henry J.C.	X	
DECOITE, Lynn	X	
INOUYE, Lorraine R.	X	
KANUHA, Dru Mamo	X	
KIDANI, Michelle N.	X	
KIM, Donna Mercado	X	
LEE, Chris		X
MORIWAKI, Sharon Y.		X
SHIMABUKURO, Maile S.L.	X	
WAKAI, Glenn	X	
FEVELLA, Kurt		X
<b>TOTAL</b>	<b>10</b>	<b>3</b>
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		

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