

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1937, H.D. 1, RELATING TO THE DEPARTMENT OF AGRICULTURE.

BEFORE THE:

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

DATE: Friday, March 15, 2024 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 224 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kelcie K. Nagata or Bryan C. Yee, Deputy Attorneys General

Chair Gabbard and Members of the Committee:

The Department of the Attorney General respectfully opposes this bill as written.

The purpose of this bill is to appropriate money to the Department of Agriculture for an environmental impact statement for the drilling of non-potable water wells at the Panewa and Pahoia agricultural parks.

The appropriation to conduct an environmental impact statement for the drilling of non-potable water wells only at the Panewa and Pahoia agricultural parks, which are lands owned by the State, may be subject to challenge as violating article XI, section 5 of the Hawaii State Constitution, which provides: "The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfer to or for the use of the State, or a political subdivision, or any department or agency thereof."

General laws are "laws which apply uniformly throughout all political subdivisions of the State . . . [or] uniformly to a class of political subdivisions." *Bulgo v. Maui County*, 50 Hawaii, 58, 430 P.2d 321, 321 (1967). On the other hand, a law is special "if it operates upon and affects only a fraction of persons or a portion of the property encompassed by a classification, granting privileges to some and not others." Ag. Op. No. 07-02.

Should this bill become law, the law would apply to only two specific agricultural parks, rather than a general category of state lands. Therefore, the appropriation

toward a specific agricultural park could be challenged as violating the Hawaii State Constitution.

Accordingly, we recommend that section 1, page 1, lines 1-6, be amended to read as follows:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2024-2025 for the preparation of environmental impact statements for the drilling of non-potable water wells at agricultural parks, as defined in section 166-2, Hawaii Revised Statutes.

Thank you for the opportunity to testify on this bill.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**MARCH 15, 2024
1:00 PM
CONFERENCE ROOM 224**

**HOUSE BILL NO. 1937, HD1
RELATING TO DEPARTMENT OF AGRICULTURE**

Chair Gabbard, Vice Chair Richards, and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1937, HD1. This bill appropriates funds to the Department of Agriculture for the preparation of an environmental impact statement to drill non-potable water wells on individual parcels at Panaewa and Pahoia agricultural parks. The Department of Agriculture respectfully opposes this measure.

The lease rent is based on unimproved, vacant land (lowest possible), and therefore, for all individuals on property, infrastructure improvements are the responsibility of the lessee. The Department respectfully suggests that grant funding be explored should the legislative desire to assist individuals and/or private businesses. Additionally, we respectfully note that these ag parks are served by the County of Hawaii's Department of Water Supply, who discounts water for agricultural use.

Thank you for the opportunity to testify on this measure.





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March 15, 2024

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON HB 1937, HD1
RELATING TO THE DEPARTMENT OF AGRICULTURE

Conference Room 224 & Videoconference
1:00 PM

Aloha Chair Gabbard, Vice-Chair Richards, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 1937, HD1, which appropriates funds to the Department of Agriculture for the preparation of an environmental impact statement to drill non-potable water wells on individual parcels at Panaewa and Pahoia agricultural parks.

The proposed funding in HB 1937, HD1, will make it possible for farmers to produce more food on agricultural land leased from the Department of Agriculture. It is well-known that the requirements of the environmental impact statement law, while important, can delay beneficial projects until they are no longer feasible. In addition, the enormous cost of hiring consultants to conduct these reviews and provide reports can also preclude farmers from using land they own or lease.

The COVID-19 pandemic has brought a renewed awareness of the critical importance of growing food and other agricultural products. It has highlighted the need for our islands to become more self-sufficient. This bill will facilitate the achievement of those goals and our constitutional mandate because although water is essential for farming, it is not currently available to all agricultural lands that could be productive.

Thank you for the opportunity to provide our support on this measure and for your continued support of Hawai'i's farmers and ranchers.



**THE SENATE
KA 'AHA KENEKOA
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

**COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair**

Friday, March 15, 2024 1:00 PM

**Conference Room 224 & Videoconference
State Capitol
415 South Beretania Street**

RE: HB1937 HD1 RELATING TO DEPARTMENT OF AGRICULTURE


My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 350 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **STRONGLY SUPPORTS House Bill 1937 HD1.**

We believe it is important as an industry to be good care takers of our environment. This study of an environmental impact statement for the drilling of non-potable water wells on individual parcels at Panaewa and Pahoia agricultural parks is the first step to allow our agricultural producers in these areas become more self sufficient on water rather than relying on the County's water supply.

If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 2627, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,


Eric S. Tanouye
President
Hawaii Floriculture and Nursery Association

HB-1937-HD-1

Submitted on: 3/12/2024 4:02:37 PM

Testimony for AEN on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to appropriating funds to the Department of Agriculture for the preparation of an environmental impact statement to drill non- potable water wells on individual parcels at Panaewa and Pahoia agricultural parks.

HB-1937-HD-1

Submitted on: 3/13/2024 2:09:29 PM

Testimony for AEN on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT. EVEN MORE WELLS ARE NEEDED.

MAHALO!