

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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Thursday, February 22, 2024      **TIME:** 1:00 p.m.

**LOCATION:** State Capitol, Room 308 and Videoconference

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

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Chair Yamashita and Members of the Committee:

The Department of the Attorney General provides the following comments.

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 Panaewa and Pahoia agricultural parks.

The appropriation to conduct an environmental impact statement for the drilling of non-potable water wells only at the Panaewa and Pahoia agricultural parks may be subject to challenge as violating article XI, section 5, of the Hawaii State Constitution, which provides: "[t]he 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 transfers to or for the use of the State, or a political subdivision, or any department or agency thereof."

This bill appears to apply only to two specific agricultural parks, rather than a general category of state lands. Therefore, the appropriation toward a specific agricultural park could be challenged.

Although there are multiple ways to generally characterize the state lands, one alternative is to revise section 1, page 1, lines 1-6, 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 [an]

environmental impact [~~statement~~] statements for the drilling of non-potable water wells [~~on individual parcels~~] at [~~Panaewa and Paheoa~~] agricultural parks[-], as defined in section 166-2, Hawaii Revised Statutes.

Thank you for the opportunity to offer comments.

**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**  
KA 'OIHANA MAHI'AI  
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**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON FINANCE**

**FEBRUARY 22, 2024  
1:00 PM  
CONFERENCE ROOM 308**

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

Chair Yamashita, Vice Chair Kitagawa, 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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February 22, 2024

HEARING BEFORE THE  
HOUSE COMMITTEE ON FINANCE

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

Conference Room 308 & Videoconference  
1:00 PM

Aloha Chair Yamashita, Vice-Chair Kitagawa, 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.



**HOUSE OF REPRESENTATIVES  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2024**

**COMMITTEE ON FINANCE  
Rep. Kyle T. Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair**

**Thursday, February 22, 2024  
9:15 AM**

**VIA VIDEOCONFERENCE  
Conference Room 308  
State Capitol  
415 South Beretania Street**

**RE: HB1937 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.**

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 22, cell 960-1433 and email [eric@greenpointnursery.com](mailto:eric@greenpointnursery.com).

Supporting Agriculture and Hawaii,

  
Eric S. Tanouye  
President  
Hawaii Floriculture and Nursery Association