

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



WENDY L. GADY
Executive Director

STATE OF HAWAI'I
AGRIBUSINESS DEVELOPMENT CORPORATION
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**TESTIMONY OF WENDY L. GADY
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION**

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE AND FOOD SYSTEMS
& WATER AND LAND**

Wednesday, March 20, 2024
9:30 a.m.
Conference Room 325 & Videoconference

**SENATE BILL NO. 2960, SD1
RELATING TO AGRICULTURE**

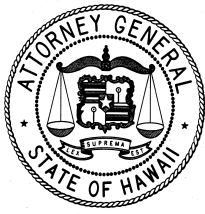
Chairs Gates and Ichiyama, Vice Chairs Kahaloa and Poepoe, and Members of the joint Committees:

Thank you for the opportunity to testify in support of Senate Bill No. 2960 SD1. The Agribusiness Development Corporation (ADC) supports this measure, which requires that lessees and purchasers of farm lots and ranch lots use that land for farming and diversified agricultural uses.

The state's goal of doubling food production by 2030 is of high priority for the Agribusiness Development Corporation. Senate Bill 2960 SD1 is a strong step towards our food security as a state and we support the preservation of agricultural lands that allow for the growth and future adaptations of the agricultural industry.

The Agribusiness Development Corporation supports policies that maintain agricultural lands for agricultural purposes.

We support this bill provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget. Thank you for your consideration of our testimony.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2960, S.D. 1, RELATING TO FARMERS.

BEFORE THE:

HOUSE COMMITTEES ON AGRICULTURE AND FOOD SYSTEMS AND ON
WATER AND LAND

DATE: Wednesday, March 20, 2024 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 325 and Videoconference

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

Chairs Gates and Ichiyama and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purpose and intent of this bill is to: (1) require lessees and purchasers of farm lots and ranch lots to use that land for farming and producing food; and (2) authorize agricultural cooperatives to apply for farm lands. See S. Stand. Comm. Rep. No. 2260 (February 12, 2024).

Section 171-68, Hawaii Revised Statutes (HRS), enumerates, among other things, who may be considered a "bona fide farmer" to be eligible to apply to lease public state agricultural land. Although the intent of the bill appears to allow agricultural cooperatives to also be considered "bona fide farmers," the qualification in the proposed section 171-68(a)(2)(l) on page 8, lines 14-19, is ambiguous as currently drafted and requires clarification.

There are different ways to rephrase the provision. If the Legislature's intent is to allow agricultural cooperative associations formed under chapter 421 to be considered "bona fide farmers" if at least 51% ownership interest is owned by one or more members who qualify as bona fide farmers under section 171-68(a)(2)(A) through (H), HRS, the Department suggests deleting section 171-68(a)(2)(l) on page 8, line 14-19, and creating a new subsection (c) to read as follows:

(c) If the person is an association formed under chapter 421, the association shall have at least fifty-one per cent ownership by one or more members who satisfy the qualifications under subsection (a)(1) through (3) and who are not disqualified under subsection (b); and

(redesignate the current section 171-68(c) as section 171-68(d)).

If, alternatively, the Legislature's intent is to allow not only agriculture cooperative associations, but also any partnership, corporation, or association to be considered "bona fide farmers" if at least 51% ownership interest is owned by one or more members who qualify as bona fide farmers under section 171-68(a)(2)(I) on page 8, lines 14-19, then the Department suggests deleting section 171-68(a)(2)(I) on page 8, line 14-19 and creating a new subsection (c) to read as follows:

(c) If the person is a partnership, corporation, association, or agricultural cooperative association formed under chapter 421, the entity shall have at least fifty-one per cent ownership by one or more partners, shareholders, or members who satisfy the qualifications under subsection (a)(1) through (3) and who are not disqualified under subsection (b); and

(redesignate the current section 171-68(c) as section 171-68(d)).

Thank you for the opportunity to provide 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
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE & FOOD SYSTEMS
AND WATER & LAND**

**WEDNESDAY, MARCH 20, 2024
9:30 AM
CONFERENCE ROOM 325**

**SENATE BILL NO. 2960 SD1
RELATING TO FARMERS**

Chairs Gates and Ichiyama, Vice Chairs Kahaloa and Poepoe and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2960 SD1. This bill requires the lessees and purchasers of farm lots and ranch lots to use that land for farming and producing food and authorizes agricultural cooperatives to apply for farmlands. The Department of Agriculture (Department) offers comments.

The Department acknowledges the mandate in article XI, section 3 of the Hawaii State Constitution to “conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.” The Department’s actions to implement article XI, section 3 of the Hawaii State Constitution include inspections of our agriculture and non-agriculture park lessees twice a year for compliance with lease terms that the lands are in agricultural production.

Thank you for the opportunity to testify on this measure.





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e-mail info@hfbf.org; www.hfbf.org

March 20, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY ON SB 2960, SD1
RELATING TO FARMERS

Conference Room 325 & Videoconference
9:30 AM

Aloha Chairs Gates and Ichiyama, Vice-Chairs Kahaloa and Poepoe, and Members of the Committees:

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 SB 2960, SD1, which requires that lessees and purchasers of farm lots and ranch lots use that land for farming and producing food and authorizes agricultural cooperatives to apply for farmlands.

HFB advocates for public policies and incentives that provide for viable farming and ranching activities on agricultural lands, thereby retaining agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture for agricultural production.

We support the retention of agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow **flexibility** in agricultural production and management and discourage the fragmentation of agricultural lands to non-agricultural uses. Lands zoned for agriculture should be used primarily for productive agricultural purposes, including family farming.

The Hawaii Farm Bureau was part of the Stakeholders Group convened by the Office of Planning in response to Act 278, Session Laws of Hawaii 2019. The stakeholder group established the following goals: 1) Keep suitable agricultural lands for agriculture; 2) Support farmers and farming; 3) Keep agricultural lands affordable for farming; 4) Enable long-term access to agricultural lands for farmers, and 5) Minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons.

The Hawaii Farm Bureau supports policies that ensure agricultural lands are used primarily for productive agricultural purposes.

Thank you for the opportunity to testify on this measure.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Rep. Cedric Asuega Gates, Chair

Rep. Kirstin Kahaloa, Vice Chair

COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama, Chair

Rep. Mahina Poepoe, Vice Chair

SB2960 SD1

RELATING TO THE FARMERS

Wednesday, March 20, 2024, 9:30 AM
Conference Room 325 & Videoconference

Chairs Gates and Ichiyama, Vice Chairs Kahaloa and Poepoe, and Members of the Committees,

The Hawaii Cattlemen's Council **supports SB2960 SD1** which requires that lessees and purchasers of farm lots and ranch lots use that land for farming and producing food. Authorizes agricultural cooperatives to apply for farmlands.

Our priority is keeping agricultural lands in agricultural production. With land as a limiting resource, we must ensure that any parcels that are suitable for agricultural activities are utilized for that purpose. We support measures that encourage bonafide farming and ranching practices to reach out state's food security goals, but we also want to ensure that the restrictions are feasible to a farmer and rancher to still be flexible amongst their agricultural operation.

Thank you for the opportunity to testify. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four 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.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



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Date & Time
Mar 20, 2024, 12:56 pm

LATE



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Andrea Drayer
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Hana, Maui

Mason Scharer
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaaupai
Molokai

Negus Manna
Lana'i

India Clark
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Natalie Urminska
Kauai

Aloha Chairs Gates and Ichiyama, Vice Chairs Kahaloa and Poepoe, and Members of the House Agriculture & Food Systems and Water & Land Committees,

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports the intent and provides comments SB2960.**

We support SB2960 Farmers as it is crucial to ensure that farmland in Hawaii is utilized for farming and producing food. By requiring lessees and purchasers to use the land for agricultural purposes, we can help preserve valuable farmland and promote local food production. Additionally, authorizing agricultural cooperatives to apply for farmland will help strengthen the farming community and support collaboration among farmers.

However, we have concerns about the potential expansion of corporate personhood to programs that are meant to benefit bona fide farmers. This could potentially disadvantage small-scale and family farmers in favor of larger corporations. We also urge for flexibility in the income demonstration threshold, as unforeseen circumstances such as catastrophic crop failures could prevent farmers from meeting the required income levels. Including a force majeure clause related to natural disasters would help address this issue and provide necessary support to farmers during difficult times.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

SB-2960-SD-1

Submitted on: 3/18/2024 2:15:48 PM

Testimony for AGR on 3/20/2024 9:30:00 AM

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

Comments:

Aloha,

Yes to requiring that lessees and purchasers of farm lots and ranch lots use that land for farming and producing food. Authorizes agricultural cooperatives to apply for farmlands.

SB-2960-SD-1

Submitted on: 3/19/2024 8:23:13 AM

Testimony for AGR on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

If we want Hawaii to be self-sustainable, we have to focus on the farmland we have. We can't afford to shrink it down. We need our agriculture community to grow and expand, and this will help with that. Please support this bill.

SB-2960-SD-1

Submitted on: 3/19/2024 11:40:34 AM

Testimony for AGR on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

LATE

SB-2960-SD-1

Submitted on: 3/19/2024 12:06:56 PM

Testimony for AGR on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Angelica Melone	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gates and Ichiyama, Vice Chairs Kahaloa and Poepoe, and Members of the Committees,

I support SB2960 SD1 which requires that lessees and purchasers of farm lots and ranch lots use that land for agricultural production. This bill also authorizes agricultural cooperatives to apply for farmlands. It is important to ensure that all restrictions in this bill are feasible for farmers and ranchers to still allow for flexibility and innovation in their agricultural operations.

Keeping agricultural lands in agricultural production is essential to meet the state's goal of doubling food production by 2030 (Aloha +). Honolulu Civil Beat has reported that 2017 Federal data shows that only 8% of the state’s agricultural lands were used for growing crops, 18.5% for grazing animals, 8% was woodlands and another 8% was categorized as “other,” which includes farmsteads, homes, buildings and livestock facilities. Other land uses (tourism, residential, solar, etc) also hinder agricultural production in Hawaii. We have the opportunity to keep agricultural lands in agricultural production and it should be a priority for climate-smart goals to do so, but also for the environmental services they can provide. (Civil beat report here: <https://www.civilbeat.org/2021/02/hawaii-grown-maps/#:~:text=The%20amount%20of%20land%20used,shrunk%20dramatically%20since%20the%201930s.&text=Nearly%20half%20of%20Hawaii's,acres%20are%20used%20for%20farming> .)

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

LATE

SB-2960-SD-1

Submitted on: 3/19/2024 3:59:14 PM

Testimony for AGR on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica	Individual	Support	Written Testimony Only

Comments:

Aloha e Representative Gates and Representative Kahaloe,

My name is Jess Sobocinski and I have been living in Hāmākua, Hawai‘i Island for the last ten years. **I am strongly in support of this bill.** I have seen so many landowners in Hawai‘i take advantage of the agriculture zoning property tax to avoid paying taxes on their homes, while not actually growing food or conducting agricultural activity that contributes positively to our community. These landowners are occupying valuable, arable land while driving up housing prices in our rural communities.

Mahalo,

Jess

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Date & Time
Mar 20, 2024, 12:56 pm

LATE

SB-2960-SD-1

Submitted on: 3/20/2024 11:31:15 AM

Testimony for AGR on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt L	Individual	Support	Written Testimony Only

Comments:

To All Concerned and Passing this Proposed Bill,

I strongly urge you to not only pass this bill, but to make it stricter by not only putting quotas of production on the owners but proof that the crops make it to the marketplace.

We have lost tens of thousands of acres of agriculture land and I'm positive mostly to these unproducing residential buyers who are not keeping up the purpose of owning ag land.

Please use this opportunity to reach Hawai'i's goal of being food independent. My Hawaiian ancestors did so even without all the modern technology and knowledge. I know we, as a combined citizenship of Hawai'i can also do it.

Mahalo.

Matt L.