

STAND. COM. REP. NO.

3691

Honolulu, Hawaii

JUN 26 2020

RE: H.B. No. 2035  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred H.B. No. 2035, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to transfer to the Department of Agriculture specified non-agricultural park lands by a specified deadline;
- (2) Require the Department of Land and Natural Resources and Department of Agriculture to jointly report on the status of the land transfer; and
- (3) Amend the definition of "agricultural activities" used in chapter 166E, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Hawai'i Farm Bureau; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; McCandless Ranch; Ulupalakua Ranch; Ponoholo Ranch Limited; Kealia Ranch; Kualoa Ranch; 4-J Livestock Co.; Land Use Research Foundation of Hawaii; Ulupono Initiative; Hawaii Aquaculture & Aquaponics Association; GreenWheel Food Hub;



Local Food Coalition; Hawaii Meats LLC; Kapapala Ranch; Larry Jefts Farms, LLC; Hawaii Beef Producers; Na 'Aina Kai Botanicals Gardens; Ka'huku Farmers Inc; Tropical Flowers Express; HARC; Waihale Producers; The Brown Bottle; Kaupo Ranch, LTD; Hawaii Forest Industry; Agricultural Leadership Foundation of Hawaii; Corteva Agriscience; Matsuda-Fukuyama Farms; Hooluana Ranch; KRB LLC; Flowers Forever LLC; Hawaiian Music Walk of Fame; Equipment Team Hawaii; Mulkern Landscaping & Nursery; Gay & Robinson, Inc.; Azevedo Farm; Nienie Ranch; Barbed S Ranch LLC; Parker Ranch; Hawaii Crop Improvement Association; and thirty-eight individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Environmental Caucus of the Democratic Party of Hawai'i; Hawaiian Affairs Caucus of the Democratic Party of Hawai'i; Young Progressives Demanding Action; Ke One O Kākuhihewa; KAHEA: The Hawaiian-Environmental Alliance; Hawai'i Alliance for Progressive Action; Association of Hawaiian Civic Clubs; Moku O Keawe; Maui Tomorrow Foundation, Inc.; Hawaii's Thousand Friends; Earthjustice; Sierra Club of Hawai'i; Conservation Council for Hawaii; PATH; Animal Rights Hawai'i; and forty-four individuals. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that Act 90, Session Laws of Hawaii 2003, was enacted and codified as chapter 166E, Hawaii Revised Statutes, to transfer certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. Your Committees further find that many lessees, primarily farmers and ranchers, with large acreage of land have already been notified by the department of agriculture that their land leases were to be transferred to and managed by the Department of Agriculture. These transfers have yet to occur, leading to confusion and concern by the leaseholders. This measure will require the transfer to occur so that farmers and ranchers may invest in infrastructure on the leased lands to produce local food for the State.

Your Committees have amended this measure by:

- (1) Clarifying that as used in the definition of "agricultural activities", the care and production of livestock or livestock products includes the care and management of pasture land;



- (2) Deleting language that requires the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture pursuant to Act 90, Session Laws of Hawaii 2003;
- (3) Inserting language to temporarily transfer certain limited parcels of land that have been identified as having the highest and best current and future use for livestock production on the island of Hawaii from the Department of Land and Natural Resources to the Department of Agriculture pursuant to Act 90, Session Laws of Hawaii 2003 by December 31, 2020;
- (4) Specifying that any parcels identified and approved by the Land Use Commission that have not been transferred by December 31, 2020, shall be placed under the jurisdiction of the Department of Agriculture by January 1, 2021;
- (5) Deleting language that requires the Department of Agriculture to assume responsibility for compliant leases and agreements and negotiate future leases and agreements;
- (6) Inserting language that requires the Department of Agriculture to assume management responsibility for lands, leases, and agreements transferred from the Department of Land and Natural Resources and deemed compliant and suitable by the Department of Agriculture commencing December 31, 2020;
- (7) Inserting language that requires the lessees managing livestock production on the parcels that are transferred over by December 31, 2020 with the TMK numbers listed in section 3 of the measure to develop a watershed partnership plan;
- (8) Inserting language that requires the lessees managing livestock production on the parcels that are transferred over by December 31, 2020 to dedicate fifty percent of all livestock meat and beef production to the State of Hawaii over a phased-in three year period;

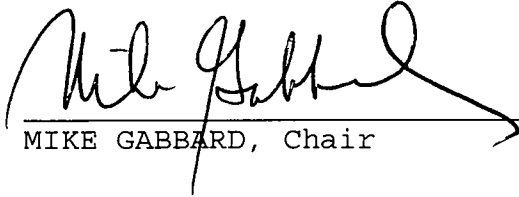


- (9) Inserting language that requires the Department of Land and Natural Resources to accept and return to its land inventory any parcel, or portion thereof, transferred pursuant to the Department of Agriculture that has been determined to be unsuitable or unnecessary for agricultural use;
- (10) Deleting language that requires the Department of Land and Natural Resources and Department of Agriculture to jointly submit a report to the Legislature no later than twenty days prior to the convening of the regular session of 2021 on their efforts to effectuate the land transfer;
- (11) Inserting language that requires the Department of Agriculture to submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2022 and every two years thereafter that includes the percentage of locally produced meat production that is being marketed in the State's local meat industry and updates on the implementation of the watershed partnership plan;
- (12) Amending section 1 to reflect its amended purpose;
- (13) Making it effective upon its approval;
- (14) Inserting a sunset date of June 30, 2021; and
- (15) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2035, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2035, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Agriculture and  
Environment,



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MIKE GABBARD, Chair



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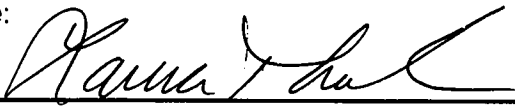
KAIA'I KAHELE, Chair





The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:
<i>HB 2035, HD1</i>	<i>WTL/AEN, WAM</i>	<i>6/24/20</i>
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
GABBARD, Mike (C)	/	
RUDERMAN, Russell E. (VC)	/	
RHOADS, Karl		/
THIELEN, Laura H.	/	
FEVELLA, Kurt	/	
<b>TOTAL</b>	<i>4</i>	<i>1</i>
Recommendation:		
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

\*Only one measure per Record of Votes