

STAND. COM. REP. NO. 3766

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 2035  
H.D. 1  
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 2035, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to facilitate the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture, as required pursuant to Act 90, Session Laws of Hawaii 2003.

More specifically, this measure:

- (1) Specifies that under the definition of "agricultural activities" in section 166E-2, Hawaii Revised Statutes, the care and production of livestock or livestock products includes the care and management of pasture land;
- (2) Establishes a pilot program for the transfer of certain specified parcels of land in the county of Hawaii from the Department of Land and Natural Resources to the Department of Agriculture, pursuant to Act 90, Session Laws of Hawaii 2003; and



- (3) Requires that the Department of Land and Natural Resources accept and return to its land inventory any parcel, or portion thereof, transferred pursuant to this measure that the Department of Agriculture has determined to be unsuitable or unnecessary for agricultural use.

Your Committee received written comments in support of this measure from the Department of Agriculture; Thompson Ranch; Ulupalakua Ranch; Kalapana Tropicals, Inc.; Hawaii Cattlemen's Council; Hawaii Farm Bureau; PonoHolo Ranch, Limited; Kau Soil and Water Conservation District; W.H. Shipman, Limited; Kuahiwi Ranch; Ulupono Initiative; Barbed S Ranch, LLC; Maui Cattlemen's Association; Hawaii Forest Industry Association; Kaupo Ranch, Ltd.; Blue Journey; Tropical Flowers Express; Island Estates; Nutrien Ag Solutions, Inc.; Waihale Products; Yee's Orchard, LLC; Ohana Banana Farm, Inc.; Kahuku Farmers, Inc.; Gay and Robinson, Inc.; Hawaiian Music Walk of Fame Corp.; Flowers Forever, LLC; Kauai Nursery and Landscaping, Inc.; Larry Jefts Farm, LLC; Ohana Farm Orchards LLC; Maui County Farm Bureau; Wines of Kauai, LLC; Pinner Creek Farms; Hawaii Seed Pro LLC; KHK Ranch, LLC; Melvin Kunitake Farm; KM Farm and Ranch; Moloaa Bay Farms LLC; The Grassmaster; 4Boys Ranch; Aileen's Nursery; Aikane Plantation; Dinas Garden; Hawaii Agriculture Research Center; Bayer Molokai; Kapapala Ranch; K.K. Ranch, Inc.; Pacific Ag Consultants; Hawaii UAV Service LLC; Kawahara Gardening Specialists, Inc.; McCandless Ranch; and numerous individuals.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Young Progressives Demanding Action, Animal Rights Hawaii, Aloha Animal Advocates, Land Use Research Foundation of Hawaii, Hawaii's Thousand Friends, PATH, Ahahui Malama I Ka Lokahi/Hawaiians for the Conservation of Native Ecosystems, Conservation Council for Hawaii, and two individuals.

Your Committee finds that this measure effectuates the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture, thereby complying with Act 90, Session Laws of Hawaii 2003, and ensuring the long-term productive use of certain public lands.



Your Committee has amended this measure by:

- (1) Clarifying that, in part, the purpose of this Act is to require that any parcel, or portion thereof, that has been transferred to the Department of Agriculture and determined by that department to be unsuitable or unnecessary for agricultural use must be accepted and returned to the land inventory of the Department of Land and Natural Resources;
- (2) Specifying the Department of Agriculture as the entity responsible for determining whether any relevant leases or other agreements for which the Department of Land and Natural Resources is responsible are in compliance with section 166E-3, Hawaii Revised Statutes;
- (3) Establishing that permittees and other occupants, in addition to lessees, that are currently managing livestock production on certain identified parcels must meet specific requirements for a watershed partnership plan and dedication of livestock meat and beef production;
- (4) Requiring that, prior to return of any parcel, or portion thereof, to the Department of Land and Natural Resources, the Department of Agriculture is responsible for the remediation of any environmental hazard or other hazardous conditions created while the land was under the exclusive management of the Department of Agriculture;
- (5) Amending the measure's sunset date to apply only to subsections (a), (b), and (c) of section 3; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2035, H.D. 1, S.D. 1, as amended herein, and recommends that



it pass Third Reading in the form attached hereto as H.B.  
No. 2035, H.D. 1, S.D. 2.

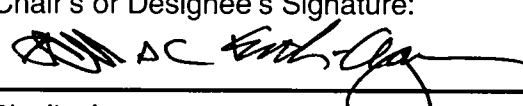
Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2035, HD1, SD1	WTL/AEN, WAM	7/1/20		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
HARIMOTO, Breene				X
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>12</b>			<b>1</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes