

Honolulu, Hawaii

FEB 16 2012

RE: S.B. No. 3011

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Water, Land, and Housing and Agriculture,
to which was referred S.B. No. 3011 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to require the Department of Land and Natural Resources to transfer title to all lands under its jurisdiction that are within an agricultural land use district to the Agribusiness Development Corporation by January 1, 2013, excluding lands that are being used by the Department for its offices or other administrative purposes.

Your Committees received testimony in support of this measure from Hawaii Farm Bureau Federation. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Department of Agriculture, Agribusiness Development Corporation, and two private individuals.

Your Committees find that the Agribusiness Development Corporation was created as a rapid response agency to stabilize deteriorating plantation water systems and vacant plantation lands and transition these lands and infrastructure into use for diversified agriculture. It was designed to be entrepreneurial in practice, with exemptions to quickly put diversified farmers onto land and settle issues related to the difficult and complex transition process. Your Committees therefore find that the Agribusiness Development Corporation is a more appropriate agency, as it is more familiar with the agriculture industry, to manage



public lands within the agricultural land use district that are currently managed by the Department of Land and Natural Resources.

Accordingly, your Committees have amended this measure by:

- (1) Deleting the language that transferred title to all public lands under the jurisdiction of the Department of Land and Natural Resources and within an agricultural land use district to the Agribusiness Development Corporation;
- (2) Adding language that requires the Department of Land and Natural Resources to transfer the parcels of land identified by tax map key numbers (9)4-0-12:001, (9)4-0-12:002, and (9)4-0-12:003 to the Agribusiness Development Corporation no later than January 1, 2013;
- (3) Adding language to make the necessary transfers of rights, powers, functions, duties, and references to the Agribusiness Development Corporation; and
- (4) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

However, your Committees are concerned about the broadness of the language and find that only certain parcels should be transferred.

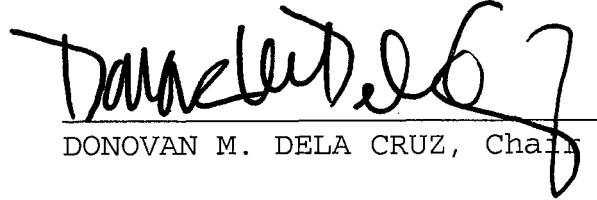
As affirmed by the records of votes of the members of your Committees on Water, Land, and Housing and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3011, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3011, S.D. 1, and be referred to the Committee on Ways and Means.



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



CLARENCE K. NISHIHARA, Chair



DONOVAN M. DELA CRUZ, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Water, Land and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:
SB3011	WLH/AGL, WAM	2/9/12
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>		
Members	Aye	Aye (WR)
DELA CRUZ, Donovan M. (C)	✓	
SOLOMON, Malama (VC)	✓	
FUKUNAGA, Carol		✓
RYAN, Pohai	✓	
SHIMABUKURO, Maile	✓	
TOKUDA, Jill N.		✓
SLOM, Sam	✓	
TOTAL	5	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
<div style="display: flex; justify-content: space-between; font-size: small;"> Distribution: Original Yellow Pink Goldenrod </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> File with Committee Report Clerk's Office Drafting Agency Committee File Copy </div>		

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.:* SB3011	Committee Referral: WLH/AGL, WAM	Date: 2-14-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
KAHELE, Gilbert (VC)	✓			
CHUN OAKLAND, Suzanne				✓
DELA CRUZ, Donovan M.	✓			
KOUCHI, Ronald D.	✓			
SHIMABUKURO, Maile				✓
TOKUDA, Jill N.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes