

STAND. COM. REP. NO.

539

Honolulu, Hawaii

, 2021

FEB 19

RE: H.B. No. 469

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 469 entitled:

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

begs leave to report as follows:

The purpose of this measure is to set a deadline for 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, and chapter 166E, Hawaii Revised Statutes, and to require the two departments to periodically meet to discuss the potential for future land transfers.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Farm Bureau; Ulupono Initiative; Hawaii Crop Improvement Association; Local Food Coalition; GreenWheel Food Hub; Hawaii Aquaculture & Aquaponics Association; Hawaii Meats LLC; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; Maui Cattlemen's Association; McCandless Ranch; Kapapala Ranch; Kealia Ranch; Larry Jefts Farms, LLC; Hawaii Youth Livestock Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Sierra Club of Hawaii and two individuals. Your



Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the importance of supporting local farmers and ranchers and strengthening the State's agricultural industry must be balanced with the need to protect Hawaii's environment and safeguard other public-lands priorities.

Your Committee has amended this measure by:

- (1) Requiring the Department of Agriculture, by January 1, 2022, to transmit to the Department of Land and Natural Resources a list of lands that it has identified as being disputed lands;
- (2) Requiring the Department of Land and Natural Resources to review the list;
- (3) In the event that the Department of Agriculture and Department of Land and Natural Resources disagree regarding the disputed lands, requiring the Board of Land and Natural Resources to establish a third-party advisory committee prior to any disposition or transfer of the disputed lands;
- (4) Requiring the third-party advisory committee to review the disputed lands proposed for disposition or transfer and determine whether any of the lands requested meet certain criteria;
- (5) Requiring the third-party advisory committee to determine whether the Department of Agriculture or Department of Land and Natural Resources is the appropriate agency for managing the parcel of land;
- (6) Requiring that, if the Department of Agriculture and Department of Land and Natural Resources are unable to reach a mutual agreement regarding the disposition or transfer of disputed lands, the disputed lands will remain under the jurisdiction and management of the Department of Land and Natural Resources until such time as a mutual agreement can be reached regarding their disposition;



- (7) Requiring that for lands for which the Department of Agriculture and Department of Land and Natural Resources reach a mutual agreement regarding their disposition, such lands will be transferred to the Department of Agriculture;
- (8) Requiring that beginning with the 2026-2027 fiscal year, and no less than every fifth fiscal year thereafter, the Department of Agriculture and Department of Land and Natural Resources will undertake the process set forth in paragraphs (1) through (7);
- (9) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (10) 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 Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 469, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 469, H.D. 1, and be referred to your Committee on Finance.

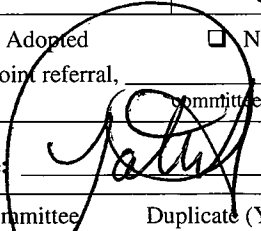
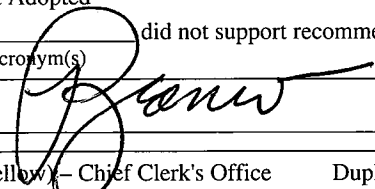
Respectfully submitted on
behalf of the members of the
Committee on Water & Land,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB409	Committee Referral: WAL, FIN	Date: 2/9/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. BRANCO, Patrick Pihana (VC)	✓			
3. GANADEN, Sonny		✓		
4. KOBAYASHI, Bertrand	✓			
5. KONG, Sam Satoru	✓			
6. MORIKAWA, Dee	✓			
7. OHNO, Takashi	✓			0
8. McDERMOTT, Bob				0
TOTAL (8)	6	1		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature:  				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				