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# A BILL FOR AN ACT

RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 163D-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Except as otherwise limited by this chapter, the  
4 corporation may:

5           (1) Sue and be sued;

6           (2) Have a seal and alter the same at its pleasure;

7           (3) Make and alter bylaws for its organization and  
8 internal management;

9           (4) Adopt rules under chapter 91 necessary to effectuate  
10 this chapter in connection with its projects,  
11 operations, and properties;

12           (5) Make and execute contracts and all other instruments  
13 necessary or convenient for the exercise of its powers  
14 and functions under this chapter;

15           (6) Acquire or contract to acquire by grant or purchase  
16 any real, personal, or mixed property or any interest  
17 therein for its immediate or future use for the



1 purposes of this chapter; own, hold, improve, and  
2 rehabilitate any real, personal, or mixed property  
3 acquired, and sell, assign, exchange, transfer,  
4 convey, lease, or otherwise dispose of, or encumber  
5 the same;

6 (7) Acquire property by condemnation pursuant to chapter  
7 101;

8 [~~7~~] (8) By itself, or in partnership with qualified  
9 persons, acquire, construct, reconstruct,  
10 rehabilitate, improve, alter, or repair any  
11 infrastructure or accessory facilities in connection  
12 with any project; own, hold, sell, assign, transfer,  
13 convey, exchange, lease, or otherwise dispose of, or  
14 encumber any project;

15 [~~8~~] (9) In cooperation with the department of  
16 agriculture, pursuant to chapter 167, or otherwise  
17 through direct investment or coventure with a  
18 professional investor or enterprise or any other  
19 person, or otherwise, to acquire, construct, operate,  
20 and maintain water facilities for conveying,  
21 distributing, and transmitting water for irrigation



1 and agricultural uses at rates or charges determined  
2 by the corporation; provided that:

3 (A) This chapter shall not be construed to permit or  
4 allow the department of agriculture or any  
5 agribusiness development corporation to:

6 (i) Amend or modify rights or entitlements to  
7 water as provided for by article XI, section  
8 7, of the Constitution of the State of  
9 Hawaii, or the Hawaiian Homes Commission  
10 Act, 1920, as amended, and chapter 168;

11 (ii) Diminish or abridge the traditional and  
12 customary rights of ahupua`a tenants who  
13 inhabited the Hawaiian Islands prior to 1778  
14 under sections 1-1 and 7-1; and

15 (iii) Impair, abridge, or terminate the legal  
16 rights or interests to water and its uses,  
17 whether by lease, easement, or other means,  
18 which are possessed or held by organizations  
19 whose primary purpose is to benefit people  
20 of Hawaiian ancestry; and



1 (B) All usage of water shall be in accordance with  
2 chapter 174C and other applicable laws in the  
3 State;

4 ~~[(9)]~~ (10) Receive, examine, and determine the  
5 acceptability of applications of qualified persons  
6 for allowances or grants for the development of new  
7 crops and agricultural products, the expansion of  
8 established agricultural enterprises, and the altering  
9 of existing agricultural enterprises;

10 ~~[(10)]~~ (11) Coordinate its activities with any federal or  
11 state farm credit programs;

12 ~~[(11)]~~ (12) Grant options to purchase any project or to  
13 renew any lease entered into by it in connection with  
14 any of its projects, on the terms and conditions it  
15 deems advisable;

16 ~~[(12)]~~ (13) Provide advisory, consultative, training, and  
17 educational services, technical assistance, and advice  
18 to any person, partnership, or corporation, either  
19 public or private, in order to carry out the purposes  
20 of this chapter, and engage the services of



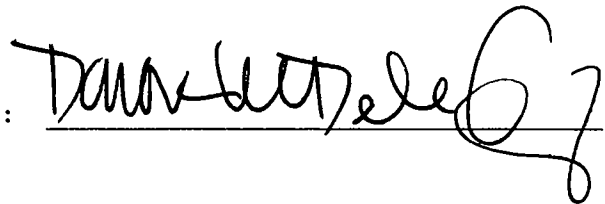
1 consultants on a contractual basis for rendering  
 2 professional and technical assistance and advice;  
 3 ~~[(13)]~~ (14) Procure insurance against any loss in connection  
 4 with its property and other assets and operations in  
 5 such amounts and from such insurers as it deems  
 6 desirable;  
 7 ~~[(14)]~~ (15) Accept gifts or grants in any form from any  
 8 public agency or any other source; and  
 9 ~~[(15)]~~ (16) Do all things necessary or proper to carry out  
 10 the purposes of this chapter."

11 SECTION 2. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

14

INTRODUCED BY:



A handwritten signature in black ink, appearing to read "Dan Claitor", is written over a horizontal line. The signature is cursive and extends to the right of the line.



# S.B. NO. 836

**Report Title:**

Agribusiness Development Corporation; Powers; Condemnation

**Description:**

Authorizes the Agribusiness Development Corporation to acquire property through condemnation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

