



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1937, RELATING TO THE DEPARTMENT OF AGRICULTURE.

BEFORE THE:

HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

DATE: Wednesday, February 14, 2024 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kelcie K. Nagata or Bryan C. Yee, Deputy Attorneys General

Chair Gates and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to appropriate money to the Department of Agriculture for an environmental impact statement for the drilling of non-potable water wells at the Panaewa and Pahoia agricultural parks.

The appropriation to conduct an environmental impact statement for the drilling of non-potable water wells only at the Panaewa and Pahoia agricultural parks may be subject to challenge as violating article XI, section 5, of the Hawaii State Constitution, which provides: "[t]he legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof."

This bill appears to apply only to two specific agricultural parks, rather than a general category of state lands. Therefore, the appropriation toward a specific agricultural park could be challenged.

Although there are multiple ways to generally characterize the state lands, one alternative is to revise section 1, page 1, lines 1-6, to read as follows:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the preparation of [an] environmental impact [statement] statements for

the drilling of non-potable water wells [~~on individual parcels~~] at [~~Panaewa and Paheo~~]
agricultural parks[.], as defined in section 166-2.

Thank you for the opportunity to offer comments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

FEBRUARY 14, 2024
9:15 AM
CONFERENCE ROOM 325

HOUSE BILL NO. 1937
RELATING TO DEPARTMENT OF AGRICULTURE

Chair Gates, Vice Chair Kahaloa, and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1937. This bill appropriates funds to the Department of Agriculture for the preparation of an environmental impact statement to drill non-potable water wells on individual parcels at Panaewa and Pahoia agricultural parks. The Department of Agriculture respectfully opposes this measure.

The lease rent is based on unimproved, vacant land (lowest possible) and therefore for all individuals, on property, infrastructure improvements are the responsibility of the lessee. The Department respectfully suggests that grant funding be explored should the legislative desire to assist individuals and/or private businesses. Additionally, we respectfully note that these ag parks are served by the County of Hawaii's Department of Water Supply, who discounts water for agricultural use.

Thank you for the opportunity to testify on this measure.





**HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Rep. Cedric Asuega Gates, Chair

Rep. Kirstin Kahaloo, Vice Chair

**Wednesday, February 14, 2024
9:15 AM**

VIA VIDEOCONFERENCE

Conference Room 325

State Capitol

415 South Beretania Street

RE: HB1937 RELATING TO DEPARTMENT OF AGRICULTURE

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 350 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **STRONGLY SUPPORTS House Bill 1937.**

We believe it is important as an industry to be good care takers of our environment. This study of an environmental impact statement for the drilling of non-potable water wells on individual parcels at Panaewa and Pahoa agricultural parks is the first step to allow our agricultural producers in these areas become more self sufficient on water rather than relying on the County's water supply.

If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,

Eric S. Tanouye

President

Hawaii Floriculture and Nursery Association



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February 14, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON HB 1937
RELATING TO THE DEPARTMENT OF AGRICULTURE

Conference Room 325 & Videoconference
9:15 AM

Aloha Chair Gates, Vice-Chair Kahaloa, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 1937, which appropriates funds to the Department of Agriculture for the preparation of an environmental impact statement to drill non-potable water wells on individual parcels at Panaewa and Pahoia agricultural parks.

The proposed funding in HB 1937 will make it possible for farmers to produce more food on agricultural land leased from the Department of Agriculture. It is well-known that the requirements of the environmental impact statement law, while important, can delay beneficial projects until they are no longer feasible. In addition, the enormous cost of hiring consultants to conduct these reviews and provide reports can also preclude farmers from using land they own or lease.

The COVID-19 pandemic has brought a renewed awareness of the critical importance of growing food and other agricultural products. It has highlighted the need for our islands to become more self-sufficient. This bill will facilitate the achievement of those goals and our constitutional mandate because although water is essential for farming, it is not currently available to all agricultural lands that could be productive.

Thank you for the opportunity to provide our support on this measure and for your continued support of Hawai'i's farmers and ranchers.