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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:**

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

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

(1) Sue and be sued;

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

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

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

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

(6) Acquire or contract to acquire by grant or purchase any real, personal, or mixed property or any interest 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 by condemnation pursuant to chapter 101 any  
7 real property, including fixtures and improvements, or  
8 any interest in real property, for the purposes of  
9 this chapter; provided that:

10 (A) The corporation makes a determination that the  
11 property is necessary for the corporation's  
12 immediate or future use;

13 (B) Notwithstanding section 163D-16, the corporation  
14 may acquire by condemnation real property already  
15 devoted to public use; and

16 (C) Notwithstanding any other law to the contrary,  
17 real property acquired by condemnation shall not  
18 thereafter be transferred or taken for any other  
19 public use without the consent of the  
20 corporation;



1       ~~[(7)]~~ (8) By itself, or in partnership with qualified  
2           persons, acquire, construct, reconstruct,  
3           rehabilitate, improve, alter, or repair any  
4           infrastructure or accessory facilities in connection  
5           with any project; own, hold, sell, assign, transfer,  
6           convey, exchange, lease, or otherwise dispose of, or  
7           encumber any project;

8       ~~[(8)]~~ (9) In cooperation with the department of  
9           agriculture, pursuant to chapter 167, or otherwise  
10          through direct investment or coventure with a  
11          professional investor or enterprise or any other  
12          person, or otherwise, to acquire, construct, operate,  
13          and maintain water facilities for conveying,  
14          distributing, and transmitting water for irrigation  
15          and agricultural uses at rates or charges determined  
16          by the corporation; provided that:

17       (A) This chapter shall not be construed to permit or  
18           allow the department of agriculture or ~~[any]~~  
19           agribusiness development corporation to:

20           (i) Amend or modify rights or entitlements to  
21           water as provided for by article XI,



1 section 7, of the Constitution of the State  
2 of Hawaii, or the Hawaiian Homes Commission  
3 Act, 1920, as amended, and chapter 168;

4 (ii) Diminish or abridge the traditional and  
5 customary rights of ahupuaa tenants who  
6 inhabited the Hawaiian Islands prior to 1778  
7 under sections 1-1 and 7-1; and

8 (iii) Impair, abridge, or terminate the legal  
9 rights or interests to water and its uses,  
10 whether by lease, easement, or other means,  
11 [~~which~~] that are possessed or held by  
12 organizations whose primary purpose is to  
13 benefit people of Hawaiian ancestry; and

14 (B) All usage of water shall be in accordance with  
15 chapter 174C and other applicable laws in the  
16 State;

17 [~~+9~~] (10) Receive, examine, and determine the  
18 acceptability of applications of qualified persons  
19 for allowances or grants for the development of new  
20 crops and agricultural products, the expansion of



1 established agricultural enterprises, and the altering  
2 of existing agricultural enterprises;

3 ~~[(+10+)]~~ (11) Coordinate its activities with any federal or  
4 state farm credit programs;

5 ~~[(+11+)]~~ (12) Grant options to purchase any project or to  
6 renew any lease entered into by it in connection with  
7 any of its projects, on the terms and conditions it  
8 deems advisable;

9 ~~[(+12+)]~~ (13) Provide advisory, consultative, training, and  
10 educational services, technical assistance, and advice  
11 to any person, partnership, or corporation, either  
12 public or private, in order to carry out the purposes  
13 of this chapter, and engage the services of  
14 consultants on a contractual basis for rendering  
15 professional and technical assistance and advice;

16 ~~[(+13+)]~~ (14) Procure insurance against any loss in connection  
17 with its property and other assets and operations in  
18 ~~[such]~~ amounts and from ~~[such]~~ insurers as it deems  
19 desirable;

20 ~~[(+14+)]~~ (15) Accept gifts or grants in any form from any  
21 public agency or any other source; and



1        [~~(15)~~] (16) Do all things necessary or proper to carry out  
2                    the purposes of this chapter."

3            SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5            SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

ADC; Real Property; Condemnation; Eminent Domain; Public Use

**Description:**

Authorizes the Agribusiness Development Corporation to acquire by condemnation any real property or interest in real property, including real property already devoted to public use, for the purposes of Chapter 163D, HRS. Requires the Agribusiness Development Corporation to make a determination that the property is necessary for the corporation's immediate or future use. Prohibits real property acquired by condemnation from being subsequently transferred or taken for any other public use without the consent of the Agribusiness Development Corporation. Effective 7/1/2050. (SD1)

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

