

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson**

**Before the Senate Committee on  
JUDICIARY**

**Friday, February 27, 2026  
10:30 AM  
State Capitol, Conference Room 016**

**In consideration of  
SENATE BILL 2169, SENATE DRAFT 1  
RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION**

Senate Bill 2169, Senate Draft 1 authorizes the Agribusiness Development Corporation (ADC) to acquire by condemnation any real property or interest in real property, under certain conditions, for the purposes of Chapter 163D, Hawaii Revised Statutes (HRS). The measure further prohibits any real property acquired by the Corporation by condemnation from subsequently being transferred or taken for any other public use without the Corporation's consent. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and offers the following comments and suggested amendment.**

The Department supports ADC being empowered to acquire real property by condemnation. However, as written, the proposed measure does not exclude public lands held by the Department or set aside to other agencies for public purposes. The Department objects to ADC being given authority to condemn lands held by the Department or set aside via executive order to other agencies and would request that such lands be excluded from ADC's condemnation powers. Accordingly, the Department requests this measure be amended to exclude public lands, as defined in Section 171-2, HRS, as follows:

Page 5, line 5

“any interest in real property, except public lands as defined in section 171-2, Hawaii Revised Statutes, for the purposes of this chapter;”

Mahalo for the opportunity to comment on this measure.

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR



WENDY GADY  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
**AGRIBUSINESS DEVELOPMENT CORPORATION**  
HUI HO'OU LU AINA MAHIAI

TESTIMONY OF WENDY L. GADY  
EXECUTIVE DIRECTOR  
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE SENATE COMMITTEE ON JUDICIARY  
February 27, 2026  
10:30 a.m.  
Conference Room 016 & Videoconference

SENATE BILL NO. 2169, SD1  
RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

Chairperson Rhoads, Vice Chair Gabbard, and Members of the Committee:

We submit this testimony in **support** of Senate Bill 2169, SD1, which would grant the Agribusiness Development Corporation (ADC) condemnation and eminent domain authority, subject to appropriate oversight and existing legal safeguards.

We acknowledge at the outset that “eminent domain” is a term that understandably raises concern. It is a powerful tool, and it should be used rarely, cautiously, and transparently. SB2169, SD1, does not change that fundamental principle. Rather, it provides ADC with a last-resort authority—one that is already available to many State agencies—to address critical barriers to agricultural land access, infrastructure development, and food production when voluntary negotiations have failed.

Importantly, the bill can include safeguards to ensure that it does not result in the condemnation of land or property currently managed by other state agencies. This ensures that ADC’s authority is narrowly focused on facilitating agricultural development without conflicting with existing state-managed lands.

### **Why This Authority Matters for Agriculture**

One of the most persistent challenges facing Hawai‘i’s agricultural sector is the inability to assemble, protect, or access land and infrastructure necessary for viable food production. Fragmented ownership, long-term vacancy, speculative

holding, and unresolved access issues can prevent otherwise feasible agricultural projects from moving forward—even when they directly support State food security goals.

Granting ADC condemnation authority allows the State to:

- Secure strategic agricultural lands are needed for food production and distribution.
- Protect agricultural lands from irreversible conversion when negotiations stall.
- Enable infrastructure development—such as irrigation access, farm roads, and processing sites—that support multiple producers.
- Ensure that public investments in agriculture can be fully realized for public benefit.

### **Strong Oversight and Accountability**

SB2169, SD1, does not give unchecked authority. ADC operates under an independent, gubernatorially appointed Board, subject to Sunshine Law, fiduciary duties, and public accountability. Any use of condemnation authority would require:

- Clear demonstration of public purpose tied to agriculture and food production.
- Board review, deliberation, and approval.
- Compliance with all constitutional, statutory, and procedural protections afforded to landowners.

ADC's Board structure provides an important safeguard: decisions are made collectively, in public, and with representation from agricultural, business, and community perspectives. This ensures that eminent domain, if ever used, is exercised thoughtfully and only when clearly justified.

### **Benefits to Food Production and Food Security**

This authority strengthens the State's ability to meet its food security and institutional purchasing goals. Without reliable access to land and infrastructure, farmers cannot scale production, secure financing, or commit to long-term supply contracts. SB2169, SD1, helps remove structural barriers that limit production capacity—not by displacing agriculture, but by enabling it.

Importantly, condemnation authority is not intended to replace voluntary transactions. ADC's longstanding practice is to work collaboratively with landowners and stakeholders. This authority exists to ensure that critical agricultural projects are not permanently stalled when negotiations fail despite clear public benefit.

### **A Tool of Last Resort, Not First Use**

SB2169, SD1 equips ADC with a tool that may rarely be used—but whose availability can facilitate resolution. In many cases, the presence of eminent domain authority encourages fair, timely negotiations and avoids prolonged uncertainty that harms both landowners and producers.

In closing, SB2169, SD1 strengthens the State's ability to support food production, protect agricultural lands, and steward public investments responsibly. With appropriate Board oversight, legal safeguards, and explicit protection of land currently managed by other state agencies, this authority can be used carefully and transparently to advance Hawai'i's long-term food security and agricultural resilience.

We respectfully urge your support for SB2169, SD1.

Thank you for the opportunity to provide testimony.

Respectfully submitted,



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February 27, 2026

HEARING BEFORE THE  
SENATE COMMITTEE ON JUDICIARY

**TESTIMONY ON SB 2169, SD1**  
RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

Conference Room 016 & Videoconference  
10:30 AM

Aloha Chair Rhoads, Vice-Chair Gabbard, 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 SB 2169, SD1**, which authorizes the Agribusiness Development Corporation (ADC) to acquire real property or interests in real property, including through condemnation, for public agricultural purposes. Ensuring that agricultural lands remain dedicated to farming and are not lost to non-agricultural uses is essential to Hawai'i's long-term food security and agricultural sustainability.

ADC plays a critical role in developing and managing agricultural lands, irrigation systems, and other infrastructure necessary for farming and ranching in Hawai'i. In certain limited circumstances, the inability to assemble land or property interests can delay or prevent the development of essential agricultural infrastructure that serves a clear public purpose. HFB believes it is important to equip ADC with appropriate and limited authority to effectively carry out its statutory role in developing agricultural infrastructure and supporting agricultural production statewide.

We recognize that condemnation authority is a significant power and should be exercised sparingly and with appropriate safeguards. SB 2169, SD1 appropriately limits the use of this authority to public agricultural purposes and preserves existing protections, including requirements for just compensation, due process, and respect for Native Hawaiian customary and traditional practices.

HFB believes that granting ADC this authority, when coupled with the safeguards included in the bill, will help facilitate the development of agricultural infrastructure that benefits farmers, ranchers, and the broader agricultural community. This authority is not intended for routine use, but rather as a tool of last resort when necessary to advance legitimate public agricultural projects.

Thank you for the opportunity to provide testimony.

**SB-2169-SD-1**

Submitted on: 2/24/2026 7:55:32 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT!