
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 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 the corporation makes a
10 determination that the property is necessary for the
11 corporation's immediate or future use.

12 Notwithstanding any other law to the contrary, any
13 real property acquired by condemnation shall not
14 thereafter be transferred or taken for any other
15 public use without the consent of the corporation;

16 [~~7~~] (8) By itself, or in partnership with qualified
17 persons, acquire, construct, reconstruct,
18 rehabilitate, improve, alter, or repair any
19 infrastructure or accessory facilities in connection
20 with any project; own, hold, sell, assign, transfer,



1 convey, exchange, lease, or otherwise dispose of, or
2 encumber any project;

3 [~~8~~] (9) In cooperation with the department of
4 agriculture, pursuant to chapter 167, or otherwise
5 through direct investment or coventure with a
6 professional investor or enterprise or any other
7 person, or otherwise, to acquire, construct, operate,
8 and maintain water facilities for conveying,
9 distributing, and transmitting water for irrigation
10 and agricultural uses at rates or charges determined
11 by the corporation; provided that:

12 (A) This chapter shall not be construed to permit or
13 allow the department of agriculture or [any]
14 agribusiness development corporation to:

15 (i) Amend or modify rights or entitlements to
16 water as provided for by article XI,
17 section 7, of the Constitution of the State
18 of Hawaii, or the Hawaiian Homes Commission
19 Act, 1920, as amended, and chapter 168;

20 (ii) Diminish or abridge the traditional and
21 customary rights of ahupuaa tenants who



1 inhabited the Hawaiian Islands [~~prior to~~]
2 before 1778 under sections 1-1 and 7-1; and
3 (iii) Impair, abridge, or terminate the legal
4 rights or interests to water and its uses,
5 whether by lease, easement, or other means,
6 [~~which~~] that are possessed or held by
7 organizations whose primary purpose is to
8 benefit people of Hawaiian ancestry; and
9 (B) All usage of water shall be in accordance with
10 chapter 174C and other applicable laws in the
11 State;
12 [~~(9)~~] (10) Receive, examine, and determine the
13 acceptability of applications of qualified persons for
14 allowances or grants for the development of new crops
15 and agricultural products, the expansion of
16 established agricultural enterprises, and the altering
17 of existing agricultural enterprises;
18 [~~(10)~~] (11) Coordinate its activities with any federal or
19 state farm credit programs;
20 [~~(11)~~] (12) Grant options to purchase any project or to
21 renew any lease entered into by it in connection with



1 any of its projects, on the terms and conditions it
2 deems advisable;

3 ~~[(12)]~~ (13) Provide advisory, consultative, training, and
4 educational services, technical assistance, and advice
5 to any person, partnership, or corporation, either
6 public or private, in order to carry out the purposes
7 of this chapter, and engage the services of
8 consultants on a contractual basis for rendering
9 professional and technical assistance and advice;

10 ~~[(13)]~~ (14) Procure insurance against any loss in connection
11 with its property and other assets and operations in
12 ~~[such]~~ amounts and from ~~[such]~~ insurers as it deems
13 desirable;

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

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

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 3000.



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, under certain conditions. 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. Effective 7/1/3000. (HD2)

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