



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1831, RELATING TO AGRICULTURAL LANDS.

**BEFORE THE:**

HOUSE COMMITTEES ON AGRICULTURE & FOOD SYSTEMS AND ON ENERGY & ENVIRONMENTAL PROTECTION

**DATE:** Friday, February 6, 2026

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Kelcie K. Nagata or Christopher J.I. Leong, Deputy Attorneys  
General

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Chairs Chun and Lowen and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to address potential unresolved survey deficiencies and noncompliant wastewater systems on non-agricultural park lands transferred to the Department of Agriculture and Biosecurity by requiring the Department of Agriculture and Biosecurity to identify and resolve those issues.

The new section added to chapter 166E, Hawaii Revised Statutes, by this bill requires the Department of Agriculture and Biosecurity to "resolve survey deficiencies and wastewater compliance issues, including unresolved cesspool assessments, unresolved remediation requirements, and any necessary equipment and infrastructure replacement, on non-agricultural park lands." Page 2, lines 11-15. Requiring the resolution of such issues may affect existing tenants' rights under current leases with the Department of Agriculture and Biosecurity. Generally, leases with the Department of Agriculture and Biosecurity are contractual agreements in nature. Thus, impairment of existing tenants' rights may violate the Contract Clause of the United States Constitution. See U.S. Const. art. I, § 10, cl.1.

The current wording of the proposed new section does not account for existing lease agreements and the tenants' right to use the land. Accordingly, we recommend

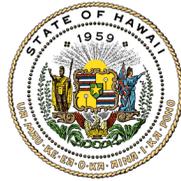
adding ", if legally permissible," before the term "resolve." The new section should read as follows:

**§166E- Survey; wastewater; infrastructure.** Subject to available funds, the department, in coordination with relevant state agencies, shall identify and, if legally permissible, resolve survey deficiencies and wastewater compliance issues, including unresolved cesspool assessments, unresolved remediation requirements, and any necessary equipment and infrastructure replacement, on non-agricultural park lands.

Thank you for the opportunity to provide comments.

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson  
Board of Agriculture & Biosecurity

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE & BIOSECURITY**  
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**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS AND  
ENERGY & ENVIRONMENTAL PROTECTION**

**FRIDAY, FEBRUARY 6, 2026  
9:00 AM  
CONFERENCE ROOM 325**

**HOUSE BILL NO. 1831  
RELATING TO AGRICULTURAL LANDS**

Chairs Chun and Lowen, Vice Chairs Kusch and Perruso and Members of the Committees:

Thank you for the opportunity to testify on House Bill 1831. This bill directs and provides an appropriation for the Department of Agriculture and Biosecurity (Department) to identify and resolve survey deficiencies and wastewater compliance issues, including unresolved cesspool assessments, unresolved remediation requirements, and any necessary equipment and infrastructure replacement, on non-agricultural park lands. The Department provides the following comments.

The Department is currently in the process of contracting a statewide audit assessment of large-capacity cesspools on its properties. This audit is being conducted pursuant to settlement negotiations with the Environmental Protection Agency (EPA) and will be carried out in coordination with the EPA. The Department's leases and revocable permits place an obligation on the tenant to comply with all laws. Accordingly, if a large-capacity cesspool were discovered on a parcel encumbered by a lease or revocable permit, the Department would require the tenant to close the cesspool and connect to county sewer or install an approved individual wastewater system at the tenant's expense.

With respect to the portion of the bill relating to survey deficiencies, unresolved remediation requirements and equipment and infrastructure replacement, the Department does not expend public funds to enhance the usability of non-agricultural

park lands already encumbered by leases or revocable permits. Instead, the tenants are required to conduct appropriate due diligence prior to signing their lease or revocable permit to determine whether the land will meet the tenant's needs in its current condition. If the Department were to use public funds to cure survey deficiencies, or remediate or develop equipment and infrastructure for a parcel of non-agricultural park land in its inventory, it would necessarily be with the understanding that when the deficiencies were cured and remediation and development were completed, the Department would offer to lease the property through a competitive public process in the interest of transparency and fairness. This approach would be consistent with the Department's practice of developing infrastructure for a new agricultural park, subdividing the park into leasable lots, and offering to lease the subdivided lots to farmers through the Department's public notice process.

Lastly, Section 3 of House Bill 1831 includes an appropriation in an unspecified amount to further the purposes of the bill. The Department recommends an appropriation of \$1,000,000.

Thank you for the opportunity to testify on this measure.



**LATE**

COMMITTEE ON AGRICULTURE & FOOD SYSTEMS  
Rep. Cory M. Chun, Chair  
Rep. Matthias Kusch, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Rep. Nicole E. Lowen, Chair  
Rep. Amy A. Perruso, Vice Chair

**HB1831**  
RELATING TO AGRICULTURE

Friday, February 6, 2026, 9:00am  
Conference Room 325 & Videoconference

Chairs Chun and Lowen, Vice Chairs Kusch and Perruso, and Members of the Committee,

The Hawaii Cattlemen's Council **supports HB1831** which authorizes and provides funding for the Department of Agriculture and Biosecurity, in coordination with relevant state agencies, to identify and resolve survey deficiencies and wastewater compliance issues on non-agricultural park lands.

We appreciate the progress that has been made to transfer agricultural lands to the Department of Agriculture and Biosecurity through Act 90, 2003. While many of these leases approved by both boards are still in the process of the transfer, we support this bill which would provide funding the DAB to resolve survey and wastewater compliance issues. These measures will allow the leases to be fully utilized for agriculture, contributing to the state's goal of increasing local food production.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Ranchers produce a high-quality protein and are the stewards of almost 750 thousand acres of land in Hawaii, or nearly 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director





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**LATE**

February 6, 2026

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

**TESTIMONY ON HB 1621**  
RELATING TO AGRICULTURE

Conference Room 325 & Videoconference  
9:00 AM

Aloha Chairs Chun and Lowen, Vice-Chairs Kusch and Perruso, and Members of the Committees:

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 1621**, which authorizes and provides funding for the Department of Agriculture and Biosecurity, in coordination with relevant state agencies, to identify and resolve survey deficiencies and wastewater compliance issues on non-agricultural park lands.

HB 1831 addresses issues that have complicated the implementation of Act 90, which directed the transfer of agricultural lands from the Department of Land and Natural Resources to the Department of Agriculture and Biosecurity.

Some of the lands being transferred have unresolved matters, such as incomplete land surveys, noncompliant cesspools or wastewater systems, and other legacy infrastructure issues, which have delayed or prevented the completion of the transfers. These conditions were not created by the current farmer and rancher lessees, yet they continue to create regulatory uncertainty, limit lessees' access to financing and permits, and constrain agricultural use of otherwise productive lands.

HB 1831 is a practical implementation measure that helps remove administrative and regulatory barriers that have delayed the full execution of Act 90. By addressing unresolved surveys and other compliance issues, the bill supports the timely completion of land transfers intended under Act 90 and provides greater certainty for farmers and ranchers operating on these lands.

By enabling the resolution of survey, infrastructure, and compliance challenges, HB 1831 helps ensure that agricultural lands can be fully transferred, properly managed, and productively farmed. This is a necessary step toward strengthening local agriculture, supporting farmers and ranchers, and increasing agricultural production.

Thank you for the opportunity to provide testimony.

**LATE**

**HB-1831**

Submitted on: 2/6/2026 5:46:39 AM

Testimony for AGR on 2/6/2026 9:00:00 AM

| Submitted By | Organization   | Testifier Position | Testify                |
|--------------|----------------|--------------------|------------------------|
| Lani Petrie  | Kapapala Ranch | Support            | Written Testimony Only |

Comments:

Committee Chairs and Vice Chairs: Chun, Kusch, Lowen, Perruso

Kapapala Ranch’s transfer has been stalled because the DLNR has spent all the allocated survey monies on identifying things important to their position on the lands transferring to DAB but currently have no funds left to survey what is critical to the ranch’s infrastructure namely water. Our water system has benefited DOFAW’s bird hunting on the ranch, supported wildfires that came blazing through Hawaii Volcanos National Park, and a restroom along a Na Ala Hele trail.

I ask for your support in helping these lands transfer under Act 90 to DAB.

Kapapala Ranch

Lani Petrie

**HB-1831**

Submitted on: 2/5/2026 7:15:06 AM

Testimony for AGR on 2/6/2026 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| J Ashman            | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I strongly support this bill to increase local ag production by fixing the glaring insufficiencies related to State agricultural leases. Thank you..