

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 2293  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committees on Agriculture and Hawaiian Affairs and Water and Land, to which was referred H.B. No. 2293, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

beg leave to report as follows:

The purpose of this measure is to improve the operational flexibility of the Agribusiness Development Corporation (ADC) and preserve valuable agricultural lands by, among other things, authorizing ADC to:

- (1) Acquire specific agricultural lands located on Oahu and owned by the Galbraith Estate through a combination of general fund appropriations and revenue bonds issued by ADC with the approval of the Governor;
- (2) Purchase, accept, and maintain permanent conservation easements, or transfer these easements to qualified land trust in accordance with the federal Natural Resources Conservation Service Farm and Ranch Lands Protection Program; and
- (3) Contract with certain financial institutions to provide lease management services when leasing ADC-controlled agricultural land.

Testimony in support of this measure was submitted by the Hawaii Farm Bureau Federation, Kamehameha Schools, The Trust for



Public Land, Wahiawa Community and Business Association, ILWU, Local 142, and HPC Foods, Ltd. Testimony in support of the intent of this measure was submitted by the Agribusiness Development Corporation, the Department of the Army, and one individual. In addition, the Department of Budget and Finance and the Office of Hawaiian Affairs submitted comments regarding this measure and testimony providing updated information regarding the Galbraith Estate land was submitted by Bank of Hawaii.

Your Committees take notice that the testimony submitted by the Office of Hawaiian Affairs explains that the spiritual epicenter site known as Kukaniloko is located within the Galbraith Estate lands. Kukaniloko has been dated as being established in the 12<sup>th</sup> century and commands one of the highest protocols and therefore is referred to as wahi kapu (sacred and taboo space). Native Hawaiian practitioners continue to access Kukaniloko.

Your Committees further note that the Department of the Army has testified that many of the Galbraith Estate lands are near or adjacent to Schofield Barracks, and serve as a buffer between Schofield Barracks and the neighboring communities. The acquisition of the Galbraith Estate lands would help ensure that incompatible development near Schofield Barracks will be minimized.

Your Committees have amended this measure by:

- (1) Replacing its content with the content of H.B. No. 2292, which is a substantially similar measure, except that it:
  - (A) Additionally addresses the acquisition of important agricultural lands by the Agribusiness Development Corporation; and
  - (B) Appropriates an unspecified sum to purchase the Galbraith Estate lands through the purchase of United States Treasury zero coupon bonds for a negotiated installment purchase agreement or by lump sum payment;
- (2) Providing that the Department of Land and Natural Resources shall have the authority to acquire the



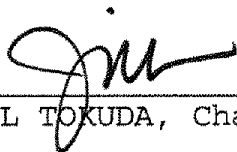
Galbraith Estate lands through exercise of its power of eminent domain; and

- (3) Changing its effective date to July 1, 2008.

As affirmed by the records of votes of the members of your Committees on Agriculture and Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2293, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2293, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Hawaiian Affairs and Water and Land,

  
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CLAYTON HEE, Chair

  
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JILL TOKUDA, Chair





The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 2293 HD1</i>	<i>AHW/WTL, WAM</i>	<i>3/13/08</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol				/
TOKUDA, Jill N.	/			
WHALEN, Paul	/			
<b>TOTAL</b>	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Russell S. Kohl</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes