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## A BILL FOR AN ACT

RELATING TO AGRICULTURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

- 1           SECTION 1. The purpose of this Act is to address  
2 "important agricultural lands" by:
- 3           (1) Requiring the department of agriculture and department  
4 of land and natural resources to jointly identify the  
5 state-owned lands that should be designated as  
6 "important agricultural lands"; and
- 7           (2) Transferring management authority over those lands to  
8 the department of agriculture.

9           SECTION 2. Chapter 205, Hawaii Revised Statutes, is  
10 amended by adding a new section to part III to be appropriately  
11 designated and to read as follows:

12           "§205-A Important agricultural lands; public lands. (a)  
13 Notwithstanding any law to the contrary, before December 31,  
14 2009, the department of agriculture and the department of land  
15 and natural resources shall collaborate to identify public lands  
16 as defined under section 171-2, that should be designated  
17 important agricultural lands as defined in section 205-42 and  
18 shall cause to be prepared maps delineating those lands.



1        (b) Notwithstanding any law to the contrary, beginning  
2        January 1, 2010, after receipt of the maps of public lands  
3        identified as important agricultural lands pursuant to  
4        subsection (a), the commission shall designate the public lands  
5        as important agricultural lands and adopt the maps of those  
6        public lands. Upon designation, the public lands shall be  
7        subject to this chapter; provided that section 205-45(d) shall  
8        not apply."

9        SECTION 3. Section 141-1, Hawaii Revised Statutes, is  
10       amended to read as follows:

11       **"§141-1 Duties in general.** The department of agriculture  
12       shall:

13       (1) Gather, compile, and tabulate, from time to time,  
14       information and statistics concerning:

15       (A) Entomology and plant pathology: Insects, scales,  
16       blights, and diseases injurious[~~7~~] or liable to  
17       become injurious[~~7~~] to trees, plants, or other  
18       vegetation, and the ways and means of  
19       exterminating pests and diseases already in the  
20       State and preventing the introduction of [~~these~~]  
21       pests and diseases not yet here; and



1 (B) General agriculture: Fruits, fibres, and useful  
2 or ornamental plants and their introduction,  
3 development, care, and manufacture or  
4 exportation, with a view to introducing,  
5 establishing, and fostering new and valuable  
6 plants and industries;

7 (2) Encourage and cooperate with the agricultural  
8 extension service and agricultural experiment station  
9 of the University of Hawaii and all private persons  
10 and organizations doing work of an experimental or  
11 educational character coming within the scope of the  
12 subject matter of chapters 141, 142, and 144 to 150A,  
13 and avoid, as far as practicable, duplicating the work  
14 of those persons and organizations;

15 (3) Enter into contracts, cooperative agreements, or other  
16 transactions with any person, agency, or organization,  
17 public or private, as may be necessary in the conduct  
18 of the department's business and on such terms as the  
19 department may deem appropriate; provided that the  
20 department shall not obligate any funds of the State,  
21 except the funds that have been appropriated to the  
22 department. Pursuant to cooperative agreement with



1 any authorized federal agency, employees of the  
2 cooperative agency may be designated to carry out, on  
3 behalf of the State the same as department personnel,  
4 specific duties and responsibilities under chapters  
5 141, 142, 150A, and rules adopted pursuant to those  
6 chapters, for the effective prosecution of pest  
7 control[7] and animal disease control[7] and the  
8 regulation of import into the State and intrastate  
9 movement of regulated articles;

10 (4) Secure copies of the laws of other states,  
11 territories, and countries, and other publications  
12 germane to the subject matters of chapters 141, 142,  
13 and 144 to 150A, and make laws and publications  
14 available for public information and consultation;

15 (5) Provide buildings, grounds, apparatus, and  
16 appurtenances necessary for the examination,  
17 quarantine, inspection, and fumigation provided for by  
18 chapters 141, 142, and 144 to 150A; for the obtaining,  
19 propagation, study, and distribution of beneficial  
20 insects, growths, and antidotes for the eradication of  
21 insects, blights, scales, or diseases injurious to  
22 vegetation of value and for the destruction of



- 1 injurious vegetation; and for carrying out any other  
2 purposes of chapters 141, 142, and 144 to 150A;
- 3 (6) Formulate and recommend to the governor and  
4 legislature additional legislation necessary or  
5 desirable for carrying out the purposes of chapters  
6 141, 142, and 144 to 150A;
- 7 (7) Publish at the end of each year a report of the  
8 expenditures and proceedings of the department and of  
9 the results achieved by the department, together with  
10 other matters germane to chapters 141, 142, and 144 to  
11 150A[~~r~~] and [~~which~~] that the department may deem  
12 proper;
- 13 (8) Administer a program of agricultural planning and  
14 development, including the formulation and  
15 implementation of general and special plans, including  
16 but not limited to the functional plan for  
17 agriculture; administer the planning, development, and  
18 management of the agricultural park program; plan,  
19 construct, operate, and maintain the state irrigation  
20 water systems; review, interpret, and make  
21 recommendations with respect to public policies and  
22 actions relating to agricultural land and water use;



1 assist in research, evaluation, development,  
2 enhancement, and expansion of local agricultural  
3 industries; and serve as liaison with other public  
4 agencies and private organizations for the above  
5 purposes. In the foregoing, the department of  
6 agriculture shall act to conserve and protect  
7 agricultural lands and irrigation water systems,  
8 promote diversified agriculture, increase agricultural  
9 self-sufficiency, and ensure the availability of  
10 agriculturally suitable lands[-]; and

11 (9) Manage, administer, and exercise control over any  
12 public lands, as defined under section 171-2, that are  
13 designated important agricultural lands pursuant to  
14 section 205-A, including but not limited to  
15 establishing priorities for the leasing of the public  
16 lands within the department's jurisdiction."

17 SECTION 4. Section 171-3, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§171-3 Department of land and natural resources.** (a)

20 The department of land and natural resources shall be headed by  
21 an executive board to be known as the board of land and natural  
22 resources. The department shall manage, administer, and



1 exercise control over public lands, the water resources, ocean  
2 waters, navigable streams, coastal areas (excluding commercial  
3 harbor areas), and minerals and all other interests therein and  
4 exercise such powers of disposition thereof as may be authorized  
5 by law. The department shall also manage and administer the  
6 state parks, historical sites, forests, forest reserves, aquatic  
7 life, aquatic life sanctuaries, public fishing areas, boating,  
8 ocean recreation, coastal programs, wildlife, wildlife  
9 sanctuaries, game management areas, public hunting areas,  
10 natural area reserves, and other functions assigned by law.

11 (b) Notwithstanding subsection (a), beginning January 1,  
12 2010, the authority to manage, administer, and exercise control  
13 over any public lands that are designated important agricultural  
14 lands pursuant to section 205-A, shall be transferred to the  
15 department of agriculture."

16 SECTION 5. All appropriations, records, equipment,  
17 machines, files, supplies, contracts, books, papers, documents,  
18 maps, and other personal property heretofore made, used,  
19 acquired, or held by the department of land and natural  
20 resources relating to the functions transferred to the  
21 department of agriculture shall be transferred with the  
22 functions to which they relate.



1 SECTION 6. In codifying the new section added by section 1  
2 of this Act, the revisor of statutes shall substitute an  
3 appropriate section number for the letter used in designating  
4 the new section in this Act.

5 SECTION 7. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 8. This Act shall take effect upon its approval;  
8 provided that section 4 of this Act shall take effect on January  
9 1, 2010.

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INTRODUCED BY:

Calvin K. Day  
[Signature]

JAN 15 2008





**Report Title:**

Public Lands; Important Agricultural Lands

**Description:**

Requires the department of land and natural resources and the department of agriculture to collaborate to identify public lands that should be designated important agricultural lands. Beginning 01/01/10, requires the land use commission to designate the identified public lands as important agricultural lands and transfers the authority to manage those public lands from the department of land and natural resources to the department of agriculture.

