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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-    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. In



1 making the designations, the departments shall use the standards  
2 and criteria of section 205-44.

3 (b) The designation of important agricultural lands  
4 pursuant to this section shall not be subject to the district  
5 boundary amendment procedures of section 205-3.1 or 205-4 or  
6 declaratory order procedures of section 205-45.

7 (c) Notwithstanding any law to the contrary, beginning  
8 January 1, 2010, after receipt of the maps of public lands  
9 identified as important agricultural lands pursuant to  
10 subsection (a), the commission shall designate the public lands  
11 as important agricultural lands and adopt the maps of those  
12 public lands. Upon designation, the public lands shall be  
13 subject to this chapter."

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

16 "**§141-1 Duties in general.** The department of agriculture  
17 shall:

18 (1) Gather, compile, and tabulate, from time to time,  
19 information and statistics concerning:

20 (A) Entomology and plant pathology: Insects, scales,  
21 blights, and diseases injurious[7] or liable to  
22 become injurious[7] to trees, plants, or other



1           vegetation, and the ways and means of  
2           exterminating pests and diseases already in the  
3           [~~State~~] state and preventing the introduction of  
4           [~~those~~] pests and diseases not yet here; and

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

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

19          (3) Enter into contracts, cooperative agreements, or other  
20          transactions with any person, agency, or organization,  
21          public or private, as may be necessary in the conduct  
22          of the department's business and on such terms as the



1 department may deem appropriate; provided that the  
2 department shall not obligate any funds of the State,  
3 except the funds that have been appropriated to the  
4 department. Pursuant to cooperative agreement with  
5 any authorized federal agency, employees of the  
6 cooperative agency may be designated to carry out, on  
7 behalf of the State the same as department personnel,  
8 specific duties and responsibilities under chapters  
9 141, 142, 150A, and rules adopted pursuant to those  
10 chapters, for the effective prosecution of pest  
11 control[7] and animal disease control[7] and the  
12 regulation of import into the [~~State~~] state and  
13 intrastate movement of regulated articles;

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

19 (5) Provide buildings, grounds, apparatus, and  
20 appurtenances necessary for the examination,  
21 quarantine, inspection, and fumigation provided for by  
22 chapters 141, 142, and 144 to 150A; for the obtaining,



1           propagation, study, and distribution of beneficial  
2           insects, growths, and antidotes for the eradication of  
3           insects, blights, scales, or diseases injurious to  
4           vegetation of value and for the destruction of  
5           injurious vegetation; and for carrying out any other  
6           purposes of chapters 141, 142, and 144 to 150A;

7           (6) Formulate and recommend to the governor and  
8           legislature additional legislation necessary or  
9           desirable for carrying out the purposes of chapters  
10          141, 142, and 144 to 150A;

11          (7) Publish at the end of each year a report of the  
12          expenditures and proceedings of the department and of  
13          the results achieved by the department, together with  
14          other matters germane to chapters 141, 142, and 144 to  
15          150A[7] and [~~which~~] that the department may deem  
16          proper;

17          (8) Administer a program of agricultural planning and  
18          development, including the formulation and  
19          implementation of general and special plans, including  
20          but not limited to the functional plan for  
21          agriculture; administer the planning, development, and  
22          management of the agricultural park program; plan,



1           construct, operate, and maintain the state irrigation  
2           water systems; review, interpret, and make  
3           recommendations with respect to public policies and  
4           actions relating to agricultural land and water use;  
5           assist in research, evaluation, development,  
6           enhancement, and expansion of local agricultural  
7           industries; and serve as liaison with other public  
8           agencies and private organizations for the above  
9           purposes. In the foregoing, the department [~~of~~  
10          ~~agriculture~~] shall act to conserve and protect  
11          agricultural lands and irrigation water systems,  
12          promote diversified agriculture, increase agricultural  
13          self-sufficiency, and ensure the availability of  
14          agriculturally suitable lands[~~-~~]; and

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

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



1           **"§171-3 Department of land and natural resources. (a)**

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

15           (b) Notwithstanding subsection (a), beginning January 1,  
16 2010, the authority to manage, administer, and exercise control  
17 over any public lands that are designated important agricultural  
18 lands pursuant to section 205- , shall be transferred to the  
19 department of agriculture."

20           SECTION 5. All appropriations, records, equipment,  
21 machines, files, supplies, contracts, books, papers, documents,  
22 maps, and other personal property heretofore made, used,



1 acquired, or held by the department of land and natural  
2 resources relating to the functions transferred to the  
3 department of agriculture shall be transferred by this Act with  
4 the functions to which they relate.

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

7 SECTION 7. This Act shall take effect upon its approval.





**Report Title:**

Important Agricultural Lands; Designation

**Description:**

Requires the Department of Land and Natural Resources (DLNR) and Department of Agriculture (DOA) to identify public lands that should be designated important agricultural lands (IAL); requires the Land Use Commission to designate those lands IAL; and transfers jurisdiction over those lands from DLNR to DOA.  
(HB2361 HD1)

