

JAN 25 2012

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# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Notwithstanding subsection (a) [~~, beginning~~]:

4 (1) Beginning January 1, 2010, the authority to manage,  
5 administer, and exercise control over any public lands  
6 that are designated important agricultural lands  
7 pursuant to section 205-44.5, shall be transferred to  
8 the department of agriculture[-]; and

9 (2) By January 1, 2013, the department shall transfer  
10 title of all public lands under its jurisdiction that  
11 are within an agricultural land use district under  
12 section 205-2 to the agribusiness development  
13 corporation, pursuant to section 163D-16(d) and (e),  
14 except lands that are being used by the department for  
15 its offices or other administrative purposes."

16 SECTION 2. Section 163D-16, Hawaii Revised Statutes, is  
17 amended to read as follows:



1            "[+]§163D-16[+] Use of public lands; acquisition of state  
 2 lands[-]; transfer of title. (a) Notwithstanding chapter 171  
 3 to the contrary, the governor may transfer lands not subject to  
 4 subsection (d) located within a project area to the corporation  
 5 for its use.

6            (b) If state lands under the control and management of  
 7 other public agencies that have not been transferred pursuant to  
 8 subsection (d) are required by the corporation for its purposes,  
 9 the agency having the control and management of those required  
 10 lands, upon request by the corporation and with the approval of  
 11 the governor, may lease the lands to the corporation upon such  
 12 terms and conditions as may be agreed to by the parties.

13            (c) Notwithstanding subsection (b) to the contrary, no  
 14 public lands shall be leased to the corporation if the lease  
 15 would impair any covenant between the State or any county, or  
 16 any department or board thereof, and the holders of bonds issued  
 17 by the State or the county, department, or board.

18            (d) Notwithstanding chapter 171 or any provision of this  
 19 chapter to the contrary, the department of land and natural  
 20 resources shall:

21            (1) By January 1, 2013, transfer title of all public lands  
 22 under its jurisdiction that are within an agricultural



1 land use district under section 205-2 to the  
2 corporation, except lands that are being used by the  
3 department for its offices or other administrative  
4 purposes; and

5 (2) Establish a standard instrument to document titles  
6 that have been transferred to the corporation. The  
7 standard instrument shall include:

8 (A) The location of the transferred land described by  
9 metes and bounds, tax map key number, or both;

10 (B) The size of the transferred land, rounded to the  
11 nearest acre;

12 (C) The date that the transferred land was acquired  
13 by the department;

14 (D) If the transferred land is subject to a lease,  
15 the name of the lessee, the date that the lease  
16 was executed, the date that the lease expires,  
17 and the nature of the business transacted on the  
18 transferred land;

19 (E) The transferred land's state land use and county  
20 zoning designation;



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1           (F) A description of all natural resources, including  
2           minerals and water, located on or appurtenant to  
3           the transferred land;

4           (G) A description of every easement, covenant,  
5           regulatory condition, or other benefit or  
6           servitude to which the transferred land is  
7           entitled or subject; and

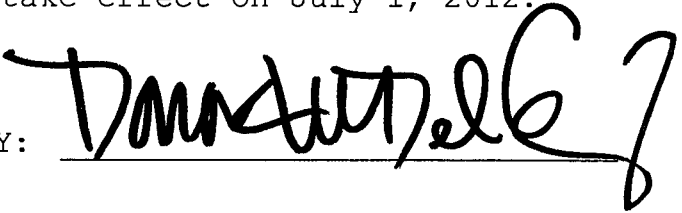
8           (H) A description of all leases, uses, or other  
9           dispositions to which the transferred land is  
10           subject.

11           (e) For lands for which the department of land and natural  
12           resources has transferred title to the corporation under  
13           subsection (d), the department shall retain all regulatory and  
14           enforcement functions and the corporation shall assume all  
15           commercial and revenue-generating functions."

16           SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18           SECTION 4. This Act shall take effect on July 1, 2012.

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INTRODUCED BY: 



# S.B. NO. 3011

**Report Title:**

DLNR; Agribusiness Development Corporation; Title Transfer

**Description:**

Requires DLNR to transfer title to public agricultural lands under its jurisdiction to the agribusiness development corporation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

