

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO NON-AGRICULTURAL PARK LANDS.

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

1           SECTION 1. Act 90, Session Laws of Hawaii 2003, was  
2 enacted and codified as chapter 166E, Hawaii Revised Statutes,  
3 to transfer certain non-agricultural park lands from the  
4 department of land and natural resources to the department of  
5 agriculture. The legislature finds that many lessees, primarily  
6 farmers and ranchers, with large acreage of land have already  
7 been notified by the department of agriculture that their land  
8 leases were to be transferred to and managed by the department  
9 of agriculture. However, nearly seventeen years later, the  
10 department of land and natural resources has not yet transferred  
11 the land.

12           The purpose of this Act is to:

13           (1) Set a deadline for the transfer of certain non-  
14 agricultural park lands from the department of land  
15 and natural resources to the department of agriculture  
16 pursuant to Act 90, Session Laws of Hawaii 2003; and



1 (2) Clarify that the care and production of pasture land  
2 constitutes an "agricultural activity" for purposes of  
3 chapter 166E, Hawaii Revised Statutes.

4 SECTION 2. Chapter 166E, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§166E- Transfer to department of agriculture;  
8 deadline. (a) Any provision of this chapter to the contrary  
9 notwithstanding, the department of land and natural resources  
10 shall transfer lands to the department by June 30, 2020, as  
11 provided in subsection (b).

12 (b) Any provision of this chapter to the contrary  
13 notwithstanding, any lands identified and approved for  
14 unconditional transfer as non-agricultural park lands that have  
15 not been transferred by June 30, 2020, shall be placed under the  
16 jurisdiction of the department by July 1, 2020. The department  
17 of land and natural resources shall be responsible for all  
18 leases and agreements that are not in compliance with section  
19 166E-3. The department shall assume responsibility for  
20 compliant leases and agreements and shall negotiate future  
21 leases and agreements by July 1, 2020."



1 SECTION 3. Section 166E-2, Hawaii Revised Statutes, is  
2 amended by amending the definition of "agricultural activities"  
3 to read as follows:

4 "Agricultural activities" means the care and production of  
5 livestock, livestock products, poultry, or poultry products, or  
6 apiary, horticultural, or floricultural products, or the  
7 planting, cultivating, and harvesting of crops or trees. As  
8 used in this definition, the care and production of livestock or  
9 livestock products includes the care and production of pasture  
10 land."

11 SECTION 4. The department of land and natural resources  
12 and department of agriculture shall jointly submit a report to  
13 the legislature no later than twenty days prior to the convening  
14 of the regular session of 2021, on their efforts to effectuate  
15 the land transfer as provided in section 2 of this Act,  
16 including a list of all identified land transfers.

17 SECTION 5. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 6. New statutory material is underscored.



# S.B. NO. 2415

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

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INTRODUCED BY: *James R. Orange*

*[Signature]*  
*Randy H. Bick*  
*Clarence Reichert*

# S.B. NO. 2415

**Report Title:**

Non-agricultural Park Lands; DLNR; DOA; Transfer; Deadline; Report; Agricultural Activities

**Description:**

Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS.

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