
A BILL FOR AN ACT

RELATING TO AGRICULTURAL 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 to authorize the transfer of certain non-agricultural
3 park lands from the department of land and natural resources to
4 the department of agriculture. The legislature finds that many
5 lessees of large acreages of land, primarily farmers and
6 ranchers, have already been notified by the department of
7 agriculture that their land leases were to be transferred to and
8 managed by the department of agriculture. However, nearly
9 seventeen years later, the department of land and natural
10 resources has not yet transferred the lands.

11 The purpose of this Act is to:

- 12 (1) Clarify that agricultural activities on non-
13 agricultural park lands may include the care and
14 production of pasture lands; and
- 15 (2) Require the department of land and natural resources
16 to transfer certain non-agricultural park lands to the



1 department of agriculture as authorized by section
2 166E-3, Hawaii Revised Statutes;

3 (3) Require the department of land and natural resources
4 to accept and return to its land inventory, any parcel
5 or portion thereof, transferred pursuant to this Act
6 that the department of agriculture has determined to
7 be unsuitable or unnecessary for agricultural use;

8 (4) Require reports to the Legislature on implementing the
9 land transfers, addressing the concerns about
10 stewardship, and compliance with the land transfers;
11 and

12 (5) Appropriate funds

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

16 ""Agricultural activities" means the care and production of
17 livestock, pasture lands, livestock products, poultry, or
18 poultry products, or apiary, horticultural, or floricultural
19 products, or the planting, cultivating, and harvesting of crops
20 or trees, including tree farms."



1 SECTION 3. (a) No later than , the board of
2 land and natural resources shall transfer to the department of
3 agriculture, the following lands: .

4 (b) Upon mutual agreement and approval of the board of
5 agriculture and the board of land and natural resources, certain
6 assets, including position counts, related to the management of
7 existing non-agricultural park lands transferred by this Act and
8 related facilities shall be transferred from the department of
9 land and natural resources to the department of agriculture.

10 (c) Lands transferred pursuant to this Act shall be:

11 (1) Included in and subject to the requirements of the
12 program established pursuant to section 166E-3(b),
13 Hawaii Revised Statutes;

14 (2) Subject to section 166E-3(c), Hawaii Revised Statutes;
15 and

16 (3) Subject to the return to the department of natural
17 resources upon a determination by the department of
18 agriculture that any parcel, or portion thereof, is
19 unsuitable or unnecessary for agricultural use, the
20 department of land and natural resources shall



1 withdraw and return those parcels or portions thereof
2 into its state land inventory.

3 (d) The department of land and natural resources and
4 department of agriculture shall jointly submit reports to the
5 legislature no later than the end of 2021 with recommendations
6 on:

7 (1) How the transfer of lands from the Department of Land
8 and Natural Resources to Department of Agriculture can
9 be implemented by the following year; and

10 (2) Addressing the concerns about stewardship by having
11 the department of agriculture consider upon the
12 transfer of lands, whether a fee would be assessed
13 pursuant to the lease negotiated with the lessee,
14 which would be used specifically for a watershed
15 management plan utilizing the existing agriculture
16 park special fund, and work together with the
17 department of land and natural resources to allow
18 continued management and stewardship of these
19 important public trust lands and agriculture lands.

20 (e) The department of land and natural resources and
21 department of agriculture shall jointly submit reports to the



1 legislature no later than twenty days prior to the convening of
2 the regular sessions of 2023 and 2024 on their efforts to comply
3 with this Act. The reports shall include:

- 4 (1) A list of all lands transferred pursuant to this Act;
- 5 (2) A list of all lands in subsection (a) that have not
6 been transferred to the department of agriculture and
7 an explanation of why each of those lands have not
8 been transferred; and
- 9 (3) Proposed legislation, if necessary.

10 SECTION 4. There is appropriated out of the non-
11 agricultural park lands special fund established pursuant to
12 section 166E-7, Hawaii Revised Statutes, the sum of \$
13 or so much thereof as may be necessary for fiscal year 2020-2021
14 for the purposes of section 3 of this Act.

15 The sum appropriated shall be expended by the department of
16 agriculture for the purposes of this Act; provided that upon
17 approval of the chairperson of the board of agriculture, funds
18 may be allocated to and expended by the department of land and
19 natural resources for the purposes of this Act.

20 SECTION 5. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

HDOA; DLNR; Non-agricultural Park Lands; Land Transfer;
Deadline; Appropriation

Description:

Clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands. Requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires the department of land and natural resources to accept and return to its land inventory, any parcel or portion thereof, transferred pursuant to this Act that the department of agriculture has determined to be unsuitable or unnecessary for agricultural use. Requires reports to the legislature on implementing the land transfers, addressing the concerns about stewardship, and compliance with the land transfers. Appropriates funds. (SD1)

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

