

MAR - 6 2020

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# SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE TO UPDATE LEASE AGREEMENTS FOR LANDS USED PURSUANT TO ACT 90, SESSION LAWS OF HAWAII 2003, HOLD PUBLIC HEARINGS TO REVIEW AND UPDATE LEASES RELATED TO THE MANAGEMENT OF EXISTING NON-AGRICULTURAL PARK LANDS, AND SUBMIT REPORTS REGARDING ANY UPDATED LEASES AND LANDS TRANSFERRED, AND NOT YET TRANSFERRED, PURSUANT TO ACT 90.

1           WHEREAS, article XI, section 10, of the Hawaii State  
2 Constitution states that "public lands shall be used for the  
3 development of farm and home ownership on as widespread a basis  
4 as possible, in accordance with procedures and limitations  
5 prescribed by law"; and  
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7           WHEREAS, prior to 2003, the Department of Land and Natural  
8 Resources was responsible for all public lands, including those  
9 used for agricultural purposes; and  
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11           WHEREAS, the Department of Agriculture has the expertise  
12 and necessary resources to manage lands used for agricultural  
13 purposes and works with the agricultural community on a daily  
14 basis on various issues relating to agriculture; and  
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16           WHEREAS, Act 90, Session Laws of Hawaii 2003, established  
17 the procedures to transfer the management of certain public  
18 lands that are available to be used for agricultural purposes  
19 from the Department of Land and Natural Resources to the  
20 Department of Agriculture; and  
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22           WHEREAS, the purpose of Act 90, Session Laws of Hawaii 2003  
23 (Act 90), is to ensure the long-term productive use of public  
24 lands leased or available to be leased by the Department of Land  
25 and Natural Resources for agricultural purposes by allowing  
26 these lands to be transferred to and managed by the Department  
27 of Agriculture; and  
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29           WHEREAS, section 166E-11, Hawaii Revised Statutes,  
30 authorizes the Department of Agriculture to negotiate and enter



1 into leases with certain individuals to lease lands that are  
2 used for agricultural purposes; and  
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4 WHEREAS, the Department of Agriculture has been derelict in  
5 its duties prescribed by Act 90; now, therefore,  
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7 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
8 of the State of Hawaii, Regular Session of 2020, that the  
9 Department of Agriculture is requested to update lease  
10 agreements for lands used pursuant to Act 90, to further the  
11 intended purpose of Act 90 of ensuring the long-term use of  
12 public lands for agricultural purposes; and  
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14 BE IT FURTHER RESOLVED that the Department of Agriculture,  
15 Board of Agriculture, and Board of Land and Natural Resources is  
16 requested to hold a public hearing to review and update the  
17 leases related to the management of existing non-agricultural  
18 park lands pursuant to Act 90; and  
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20 BE IT FURTHER RESOLVED that the Department of Agriculture  
21 is requested to submit a report on the status of entering into  
22 an updated lease agreement from the Department of Land and  
23 Natural Resources to the Legislature no later than twenty days  
24 prior to the convening of the Regular Session of 2021; and  
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26 BE IT FURTHER RESOLVED that the Department of Agriculture,  
27 in collaboration with the Department of Land and Natural  
28 Resources, is requested to submit a report to the Legislature no  
29 later than twenty days prior to the convening of the Regular  
30 Session of 2021 on their efforts to comply with this Concurrent  
31 Resolution; and  
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33 BE IT FURTHER RESOLVED that the report include:  
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- 35 (1) A list of all lands transferred pursuant to this  
36 Concurrent Resolution;  
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38 (2) A list of all lands that have not yet been transferred  
39 pursuant to Act 90 and an explanation why each of  
40 those lands have not been transferred; and  
41 (3) Proposed legislation, if necessary; and  
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1 BE IT FURTHER RESOLVED that a certified copy of this  
2 Resolution be transmitted to the Chairperson of the Board of  
3 Agriculture.  
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OFFERED BY: \_\_\_\_\_

