

JAN 23 2025

A BILL FOR AN ACT

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS.

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

1 SECTION 1. The legislature finds that Act 90, Session Laws
2 of Hawaii 2003 (Act 90), was enacted to transfer certain non-
3 agricultural park lands from the department of land and natural
4 resources to the department of agriculture.

5 The legislature further finds that Act 139, Session Laws of
6 Hawaii 2021, established a working group to determine the
7 process, status, challenges, and potential remedies regarding
8 the transfer of non-agricultural park lands to fulfill the
9 purposes of Act 90. A key finding of the working group is that
10 lands under the department of land and natural resources used
11 for the primary and substantial management objective of
12 agricultural production should be transferred to the department
13 of agriculture, following the processes and conditions pursuant
14 to Act 90.

15 The purpose of this Act is to:



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- 1 (1) Require the department of agriculture to accept the
2 transfer of and manage certain qualifying non-
3 agricultural park lands;
- 4 (2) Allow the department of agriculture to request any
5 information related to the establishment of necessary
6 and reasonable easements from the department of land
7 and natural resources prior to any transfer of certain
8 qualifying non-agricultural park lands; and
- 9 (3) Require approval from the board of land and natural
10 resources and the board of agriculture before removing
11 pasture lands for reforestation, or other public
12 purposes.

13 SECTION 2. Section 166E-1, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§166E-1[+] **Legislative findings.** The legislature
16 finds that article XI, section 10, of the [~~state constitution~~]
17 Hawaii State Constitution establishes that "the public lands
18 shall be used for the development of farm and [~~homeownership~~]
19 home ownership on as widespread a basis as possible, in
20 accordance with procedures and limitations prescribed by law."



1 Therefore, the legislature finds that certain public lands
2 classified for agricultural use, including all lands designated
3 as intensive agricultural use, special livestock use, and
4 pasture use under section 171-10(1), (2), and (3), by the
5 department of land and natural resources should be transferred
6 to the department of agriculture [~~with the approval of the~~
7 ~~board of land and natural resources and the board of~~
8 ~~agriculture,~~] for purposes and in a manner consistent with
9 article XI, section 10, of the [~~state constitution.~~] Hawaii
10 State Constitution.

11 The purpose of this chapter is to ensure the long-term
12 productive use of public lands leased or available to be leased
13 by the department of land and natural resources for agricultural
14 purposes, including pasture use, by allowing these lands to be
15 transferred to and managed by the department of agriculture."

16 SECTION 3. Section 166E-3, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§166E-3 Transfer and management of non-agricultural park**
19 **lands and related facilities to the department of agriculture.**

20 (a) Upon [~~mutual agreement and~~] approval of the board [~~and the~~
21 ~~board of land and natural resources~~]:



1 (1) The department [~~may~~] shall accept the transfer of and
2 manage certain qualifying non-agricultural park
3 lands[~~+~~], subject to the suitability of the land for
4 agricultural activities and use as determined by the
5 board; and

6 (2) Certain assets, including position counts, related to
7 the management of existing encumbered and unencumbered
8 non-agricultural park lands and related facilities
9 shall be transferred to the department[~~-~~];

10 provided that designated conservation lands not in current
11 agricultural use shall remain under the jurisdiction of the
12 department of land and natural resources.

13 (b) The department shall administer a program to manage
14 the transferred non-agricultural park lands under rules adopted
15 by the board pursuant to chapter 91. The program and its rules
16 shall be separate and distinct from the agricultural park
17 program and its rules. Non-agricultural park lands are not the
18 same as, and shall not be selected or managed as [~~are~~], lands
19 under agricultural park leases. Notwithstanding any other law
20 to the contrary, the program shall include the following
21 conditions pertaining to encumbered non-agricultural park lands:



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- 1 (1) The lessee or permittee shall perform in full
2 compliance with the existing lease or permit;
- 3 (2) The lessee or permittee shall not be in arrears in the
4 payment of taxes, rents, or other obligations owed to
5 the State or any county;
- 6 (3) The lessee's or permittee's agricultural operation
7 shall be economically viable as specified by the
8 board; and
- 9 (4) No encumbered or unencumbered non-agricultural park
10 lands with soils classified by the land study bureau's
11 detailed land classification as overall (master)
12 productivity rating class A or B shall be transferred
13 for the use or development of golf courses, golf
14 driving ranges, and country clubs.

15 The transfer of non-agricultural park lands shall be done in a
16 manner to be determined by the board of agriculture.

17 (c) For any encumbered or unencumbered non-agricultural
18 park lands transferred to the department that are not being
19 utilized or required for the public purpose stated, the order
20 setting aside the lands shall be withdrawn and the lands shall
21 be returned to the department of land and natural resources.



1 (d) Prior to any transfer of certain qualifying non-
2 agricultural park lands, the department may request from the
3 department of land and natural resources any information related
4 to the establishment of necessary and reasonable easements upon
5 the lands.

6 (e) The department of land and natural resources shall
7 seek approval from the board of land and natural resources and
8 the board prior to the removal of any land designated for
9 pasture leases for reforestation or other public purposes. If
10 withdrawal is approved by both boards, adequate notice of no
11 less than one year shall be provided to the then-current lessee
12 or permittee.

13 (f) Removal of any land pursuant to subsection (e) shall
14 be subject to the prior approval by the board of land and
15 natural resources of a feasible and funded action plan submitted
16 by the division of forestry and wildlife for reforestation or
17 other conservation purposes on current pasture lease lands."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



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

3 SECTION 6. This Act shall take effect on July 1, 2025.

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INTRODUCED BY: *Armenie R. Anaya*



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Report Title:

Department of Agriculture; Department of Land and Natural Resources; Non-agricultural Park Lands; Transfer; Easements

Description:

Requires the Department of Agriculture to accept the transfer of and manage certain qualifying non-agricultural park lands. Allows the Department of Agriculture to request information related to easements prior to any transfer of certain qualifying non-agricultural park lands. Requires approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes.

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