
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) Clarify that the care and production of pasture land
14 constitutes an "agricultural activity" for purposes of
15 chapter 166E, Hawaii Revised Statutes;
- 16 (2) Create a pilot project to temporarily transfer certain
17 limited parcels of land that have been identified as



1 having the highest and best current and future use for
2 livestock production on the island of Hawaii from the
3 department of land and natural resources to the
4 department of agriculture pursuant to Act 90, Session
5 Laws of Hawaii 2003; and

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

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

14 "Agricultural activities" means the care and production of
15 livestock, livestock products, poultry, or poultry products, or
16 apiary, horticultural, or floricultural products, or the
17 planting, cultivating, and harvesting of crops or trees. As
18 used in this definition, the care and production of livestock or
19 livestock products includes the care and management of pasture
20 land."



1 SECTION 3. (a) Any provision of chapter 166E, Hawaii
2 Revised Statutes, to the contrary notwithstanding, upon
3 identification and approval by the land use commission that the
4 parcel meets the definition of agricultural activities as
5 defined in section 166E-2, Hawaii Revised Statutes, the
6 department of land and natural resources shall transfer the
7 following lands located on the island of Hawaii to the
8 department of agriculture by December 31, 2020, as provided in
9 subsection (b):

- 10 (1) TMK (3) 4-4-013-011-0000;
- 11 (2) TMK (3) 4-4-014-002-0000;
- 12 (3) TMK (3) 9-8-001-009-0000;
- 13 (4) TMK (3) 9-8-001-010-0000;
- 14 (5) TMK (3) 9-8-001-013-0000;
- 15 (6) TMK (3) 9-8-001-003-0000;
- 16 (7) TMK (3) 9-8-001-006-0000;
- 17 (8) TMK (3) 9-8-001-011-5000;
- 18 (9) TMK (3) 9-8-001-012-0000;
- 19 (10) TMK (3) 9-6-011-002-5000; and
- 20 (11) TMK (3) 4-3-010-008-0000.



1 (b) Any parcels identified and approved by the land use
2 commission as meeting the definition of agricultural activities
3 as defined in section 166E-2, Hawaii Revised Statutes, that have
4 not been transferred by December 31, 2020, shall be placed under
5 the jurisdiction of the department of agriculture by January 1,
6 2021. The department of land and natural resources shall be
7 responsible for all leases and agreements that are not in
8 compliance with section 166E-3, Hawaii Revised Statutes. The
9 department of agriculture shall assume management responsibility
10 for lands, leases, and agreements transferred from the
11 department of land and natural resources and deemed compliant
12 and suitable by the department of agriculture pursuant to this
13 Act, commencing December 31, 2020.

14 (c) Lessees currently managing livestock production on the
15 parcels identified in subsection (a) shall:

16 (1) Develop and implement a watershed partnership plan;
17 and

18 (2) Through a three-year phased-in approach, by
19 December 31, 2023, dedicate fifty per cent of all
20 livestock meat and beef production to the State's
21 local food production and meat industry.



1 (d) Any lands transferred to the department of agriculture
2 shall be subject to return to the department of land and natural
3 resources upon a determination by the department of agriculture
4 that any parcel, or portion thereof, is unsuitable or
5 unnecessary for agricultural use; provided that upon return of
6 any parcel, or portion thereof, pursuant to this Act, the
7 department of land and natural resources shall withdraw and
8 return those parcels or portions thereof into its state land
9 inventory in a timely manner.

10 SECTION 4. The department of agriculture shall submit a
11 report to the legislature no later than twenty days prior to the
12 convening of the regular session of 2022 and every two years
13 thereafter that includes the percentage of locally produced meat
14 production that is being marketed in the State's local meat
15 industry and updates on the implementation of the watershed
16 partnership plan.

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.



1 SECTION 7. This Act shall take effect upon its approval
2 and shall repeal on June 30, 2021.



Report Title:

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

Description:

Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires lessees to develop and implement a watershed partnership plan and dedicate fifty percent of meat production for local consumption by December 31, 2023. Requires DOA to report on the percentage of local meat production marketed within the State. Amends the definition of "agricultural activities" used in chapter 166E, HRS. Sunsets 6/30/2021. (SD1)

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

