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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 having large acreages 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 to the department of  
9           agriculture that has been determined by the department  
10          of agriculture to be unsuitable or unnecessary for  
11          agricultural use.

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

15                "\"Agricultural activities\" means the care and production of  
16          livestock, livestock products, poultry, or poultry products, or  
17          apiary, horticultural, or floricultural products, or the  
18          planting, cultivating, and harvesting of crops or trees. As  
19          used in this definition, the care and production of livestock or  
20          livestock products includes the care and management of pasture  
21          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 determined by  
8 the department of agriculture to be not in compliance with  
9 section 166E-3, Hawaii Revised Statutes. The department of  
10 agriculture shall assume management responsibility for lands,  
11 leases, and agreements transferred from the department of land  
12 and natural resources and deemed compliant and suitable by the  
13 department of agriculture pursuant to this Act, commencing  
14 December 31, 2020.

15 (c) Lessees, permittees, or other occupants managing  
16 livestock production on the parcels identified in subsection (a)  
17 shall:

- 18 (1) Develop and implement a watershed partnership plan;  
19 and  
20 (2) Through a three-year phased-in approach, by  
21 December 31, 2023, dedicate fifty per cent of all



1           livestock meat and beef production to the State's  
2           local food production and meat industry.

3           (d) Any lands transferred to the department of agriculture  
4 shall be subject to return to the department of land and natural  
5 resources upon a determination by the department of agriculture  
6 that any parcel, or portion thereof, is unsuitable or  
7 unnecessary for agricultural use; provided that:

8           (1) Prior to the return of any parcel, or portion thereof,  
9           pursuant to this Act, the department of agriculture  
10           shall be responsible for the remediation of any  
11           environmental hazard or other hazardous conditions  
12           created while the land was under the exclusive  
13           management of the department of agriculture; and

14           (2) Upon return of any parcel, or portion thereof,  
15           pursuant to this Act, the department of land and  
16           natural resources shall withdraw and return those  
17           parcels or portions thereof into its state land  
18           inventory in a timely manner.

19           SECTION 4. The department of agriculture shall submit a  
20 report to the legislature no later than twenty days prior to the  
21 convening of the regular session of 2022 and every two years



1 thereafter that includes the percentage of locally produced meat  
2 production that is being marketed in the State's local meat  
3 industry and updates on the implementation of the watershed  
4 partnership plan.

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

8 SECTION 6. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval;  
10 provided that subsections (a), (b), and (c) of section 3 of this  
11 Act shall be repealed on June 30, 2021.



**Report Title:**

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

**Description:**

Requires the Department of Land and Natural Resources to transfer to the Department of Agriculture certain non-agricultural park lands by a specified date. Requires lessees, permittees, and other occupants to develop and implement a watershed partnership plan and dedicate 50% of meat production for local consumption by 12/31/2023. Requires the Department of Agriculture to report on the percentage of local meat production marketed within the State and on implementation of the watershed partnership plan. Amends the definition of "agricultural activities" used in chapter 166E, Hawaii Revised Statutes. Section 3, subsections (a), (b), and (c) sunset 6/30/2021. (SD2)

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

