

JAN 17 2020

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# 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 agriculture 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 SECTION 2. Section 166-2, Hawaii Revised Statutes, is  
4 amended by amending the definition of "agricultural activities"  
5 to read as follows:

6 "Agricultural activities" means the care and production of  
7 livestock, pasture lands, livestock products, poultry, or  
8 poultry products, or apiary, horticultural, or floricultural  
9 products, or the planting, cultivating, and harvesting of crops  
10 or trees, including tree farms."

11 SECTION 3. (a) The department of agriculture shall  
12 identify the non-agricultural park lands that have been approved  
13 for an unconditional transfer pursuant to the authority granted  
14 by section 166E-3, Hawaii Revised Statutes.

15 (b) No later than June 30, 2022, the board of land and  
16 natural resources shall transfer to the department of  
17 agriculture as many of the lands identified in subsection (a) as  
18 practical.

19 (c) No later than June 30, 2023, any lands identified in  
20 subsection (a) not transferred to the department of agriculture



1 pursuant to subsection (b) shall be transferred to the  
2 department of agriculture.

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

9 (e) Lands transferred pursuant to this Act shall be:

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

13 (2) Subject to section 166E-3(c), Hawaii Revised Statutes.

14 (f) The department of land and natural resources and  
15 department of agriculture shall jointly submit reports to the  
16 legislature no later than twenty days prior to the convening of  
17 the regular sessions of 2023 and 2024 on their efforts to comply  
18 with this Act. The reports shall include:

19 (1) A list of all lands identified pursuant to  
20 section 2(a) of this Act;



- 1           (2) A list of all lands that have been transferred to the
- 2                   department of agriculture pursuant to section 2(b) or
- 3                   (c) of this Act and the dates of those transfers;
- 4           (3) A list of which lands identified pursuant to
- 5                   section 2(a) of this Act that have not been
- 6                   transferred to the department of agriculture and an
- 7                   explanation of why each of those lands have not been
- 8                   transferred; and
- 9           (4) Proposed legislation, if any.

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. Statutory material to be repealed is bracketed

21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2020.

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# S.B. NO. 2735

**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. Sets various deadlines for the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires reports to the legislature on compliance with the land transfers. Appropriates funds.

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

