
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 agricultural 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 (3) Require the department of land and natural resources
4 to accept and return to its land inventory any parcel,
5 or portion thereof, transferred pursuant to this Act
6 that the department of agriculture has determined to
7 be unsuitable or unnecessary for agricultural use;
- 8 (4) Require reports to the legislature on implementing the
9 land transfers, addressing concerns about stewardship,
10 and complying with the land transfers;
- 11 (5) Establish a process to dispose of lands that were not
12 transferred by this Act but may qualify as
13 transferable lands under Act 90, Session Laws of
14 Hawaii 2003, and whose land use classification is in
15 dispute between the department of land and natural
16 resources and department of agriculture; and
- 17 (6) Appropriate funds.

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

1 "Agricultural activities" means the care and production of
2 livestock, pasture lands, livestock products, poultry, or
3 poultry products, or apiary, horticultural, or floricultural
4 products, or the planting, cultivating, and harvesting of crops
5 or trees."

6 SECTION 3. (a) No later than June 30, 2021, the board of
7 land and natural resources shall transfer to the department of
8 agriculture, without limitation, lands of the following tax map
9 key numbers: (3) 1-2-008-001-5000, (3) 1-8-010-038-0000, (3) 1-
10 8-010-043-0000, (3) 1-8-010-044-0000, (3) 1-8-010-046-0000, (3)
11 2-3-030-001-0000, (3) 2-3-032-001-0000, (3) 2-4-004-012-0000,
12 (3) 2-4-004-013-0000, (3) 2-4-004-021-0000, (3) 2-4-004-022-
13 0000, (3) 2-4-005-012-0000, (3) 2-4-006-012-0000, (3) 2-4-006-
14 013-0000, (3) 2-4-007-037-0000, (3) 2-4-051-001-0000, (3) 2-6-
15 018-001-0000, (3) 2-7-007-005-0000, (3) 2-8-010-003-0000, (3) 3-
16 5-001-001-0000, (3) 3-6-006-046-0000, (3) 4-1-004-031-0000, (3)
17 4-1-004-033-0000, (3) 4-1-006-002-0000, (3) 4-1-006-004-0000,
18 (3) 4-1-006-007-0000, (3) 4-2-007-002-0000, (3) 4-2-008-002-
19 0000, (3) 4-3-006-005-0000, (3) 4-3-010-002-0000, (3) 4-3-010-
20 008-0000, (3) 4-3-014-001-0000, (3) 4-4-003-003-0000, (3) 4-4-
21 003-047-0000, (3) 4-4-010-013-0000, (3) 4-4-013-011-0000, (3) 4-



1 4-014-002-0000, (3) 4-4-014-004-0000, (3) 4-5-001-007-0000, (3)
2 4-5-001-013-0000, (3) 4-5-011-006-0000, (3) 4-5-011-007-0000,
3 (3) 5-5-003-005-0000, (3) 5-5-003-006-0000, (3) 5-5-003-013-
4 0000, (3) 5-5-003-014-0000, (3) 5-5-003-019-0000, (3) 5-5-007-
5 008-0000, (3) 5-5-007-009-0000, (3) 5-6-001-001-0000, (3) 5-6-
6 001-035-0000, (3) 5-7-001-004-0000, (3) 5-7-001-009-0000, (3) 5-
7 7-001-010-0000, (3) 5-7-001-015-0000, (3) 5-8-001-002-0000, (3)
8 5-8-001-005-0000, (3) 5-8-001-006-0000, (3) 5-8-002-003-0000,
9 (3) 5-8-002-005-0000, (3) 5-8-002-006-0000, (3) 5-8-003-007-
10 0000, (3) 6-2-001-003-0000, (3) 6-2-001-005-0000, (3) 6-2-001-
11 011-0000, (3) 6-2-001-015-0000, (3) 6-4-001-057-0000, (3) 6-4-
12 031-007-0000, (3) 6-4-031-009-0000, (3) 6-4-031-010-0000, (3) 6-
13 5-001-006-0000, (3) 6-5-001-020-0000, (3) 6-6-001-002-0000, (3)
14 6-6-006-002-0000, (3) 6-6-006-003-0000, (3) 6-6-006-004-0000,
15 (3) 6-6-006-005-0000, (3) 7-2-004-004-0000, (3) 7-5-010-016-
16 0000, (3) 7-2-006-017-0000, (3) 8-7-001-014-0000, (3) 8-7-004-
17 005-0000, (3) 8-7-004-007-0000, (3) 8-7-004-008-0000, (3) 8-7-
18 004-009-0000, (3) 8-7-004-010-0000, (3) 9-3-003-035-0000, (3) 9-
19 3-003-036-0000, (3) 9-5-005-003-5001, (3) 9-5-005-003-5002, (3)
20 9-5-006-001-5002, (3) 9-5-006-001-5004, (3) 9-5-012-002-0000,
21 (3) 9-5-012-018-0000, (3) 9-5-012-019-0000, (3) 9-5-012-020-



1 0000, (3) 9-5-013-001-5000, (3) 9-5-013-001-5001, (3) 9-5-013-
2 001-5002, (3) 9-5-019-001-0000, (3) 9-5-019-002-0000, (3) 9-5-
3 019-017-0000, (3) 9-6-002-005-0000, (3) 9-6-002-010-0000, (3) 9-
4 6-002-013-5000, (3) 9-6-002-013-5001, (3) 9-6-011-002-5000, (3)
5 9-6-012-004-0000, (3) 9-8-001-002-0000, (3) 9-8-001-003-0000,
6 (3) 9-8-001-006-0000, (3) 9-8-001-009-0000, (3) 9-8-001-010-
7 0000, (3) 9-8-001-011-5000, (3) 9-8-001-012-0000, and (3) 9-8-
8 001-013-0000.

9 (b) Upon mutual agreement and approval of the board of
10 agriculture and the board of land and natural resources, certain
11 assets, including position counts, related to the management of
12 existing non-agricultural park lands transferred by this Act and
13 related facilities shall be transferred from the department of
14 land and natural resources to the department of agriculture.

15 (c) Lands transferred pursuant to this Act shall be:

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

19 (2) Subject to section 166E-3(c), Hawaii Revised Statutes;
20 and



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

10 (d) The department of land and natural resources and
11 department of agriculture shall jointly submit reports to the
12 legislature no later than December 31, 2021, with
13 recommendations on:

14 (1) How the transfer of lands from the department of land
15 and natural resources to the department of agriculture
16 can be implemented by the end of the following
17 calendar year; and

18 (2) Addressing concerns about stewardship by having the
19 department of agriculture:

20 (A) Consider whether a fee should be assessed
21 pursuant to a lease negotiated with a lessee upon



1 the transfer of lands, which would be used
2 specifically for a watershed management plan
3 utilizing the existing non-agricultural park
4 special fund; and

5 (B) Cooperate with the department of land and natural
6 resources to allow continued management and
7 stewardship of these important public trust lands
8 and agriculture lands.

9 (e) The department of land and natural resources and
10 department of agriculture shall jointly submit reports to the
11 legislature no later than twenty days prior to the convening of
12 the regular sessions of 2023 and 2024 on their efforts to comply
13 with this Act. The reports shall include:

- 14 (1) A list of all lands transferred pursuant to this Act;
- 15 (2) A list of all lands in subsection (a) that have not
16 been transferred to the department of agriculture and
17 an explanation of why each of those lands have not
18 been transferred; and
- 19 (3) Any proposed legislation.

20 SECTION 4. (a) No later than June 1, 2021, the department
21 of land and natural resources and department of agriculture

1 shall identify lands in limbo. Upon identification of lands in
2 limbo, the department of land and natural resources and
3 department of agriculture shall submit a petition to the land
4 use commission to determine whether the lands in limbo are bona
5 fide agricultural land, including pasture land, or conservation
6 land. After a determination by the land use commission, the
7 department of land and natural resources shall dispose of the
8 lands in limbo as appropriate.

9 (b) The land use commission may hold public hearings on
10 the land use classification of the lands in limbo.

11 (c) The office of planning may provide criteria and
12 technical support in the development of land designation
13 criteria.

14 (d) For purposes of this section, "lands in limbo" means
15 state lands managed by the department of land and natural
16 resources that have not been identified for transfer by this Act
17 that may qualify for transfer to the department of agriculture
18 under Act 90, Session Laws of Hawaii 2003, but have not been
19 transferred because of a dispute between the department of land
20 and natural resources and department of agriculture as to the
21 land use classification of the land.



1 SECTION 5. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2020-2021 for
4 deposit into the non-agricultural park lands special fund.

5 SECTION 6. There is appropriated out of the non-
6 agricultural park lands special fund the sum of \$ or
7 so much thereof as may be necessary for fiscal year 2020-2021
8 for the purposes of section 3 of this Act.

9 The sum appropriated shall be expended by the department of
10 agriculture for the purposes of this Act; provided that upon
11 approval by the chairperson of the board of agriculture, funds
12 may be allocated to and expended by the department of land and
13 natural resources for the purposes of this Act.

14 SECTION 7. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 2051.

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. Requires the transfer of certain lands from DLNR to DOA. Requires DLNR to accept and return to its land inventory, any parcel or portion thereof, transferred pursuant to this Act that the DOA has determined to be unsuitable or unnecessary for agricultural use. Requires reports to the Legislature on implementing the land transfers, addressing the concerns about stewardship, and compliance with the land transfers. Requires DLNR and DOA to identify potentially transferable lands whose land use classification is at dispute and petition the land use commission for a determination. Appropriates funds. Effective 7/1/2051. (HD1)

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

