

JAN 22 2021

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, was enacted to transfer certain non-agricultural
3 park lands from the department of land and natural resources to
4 the department of agriculture. While three hundred parcels
5 consisting of approximately nineteen thousand acres have been
6 transferred over the past seventeen years, many parcels have not
7 been transferred.

8 The purpose of this Act is to set a deadline for the
9 transfer of certain non-agricultural park lands from the
10 department of land and natural resources to the department of
11 agriculture pursuant to Act 90, Session Laws of Hawaii 2003, and
12 chapter 166E, Hawaii Revised Statutes, and to require the two
13 departments to periodically meet to discuss the potential for
14 future land transfers.

15 SECTION 2. Section 166E-3, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§166E-3 Transfer and management of non-agricultural park
2 lands and related facilities to the department of agriculture.

3 (a) Upon mutual agreement and approval of the board and the
4 board of land and natural resources:

5 (1) The department may accept the transfer of and manage
6 certain qualifying non-agricultural park lands; and

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

11 (b) The department shall administer a program to manage
12 the transferred non-agricultural park lands under rules adopted
13 by the board pursuant to chapter 91. The program and its rules
14 shall be separate and distinct from the agricultural park
15 program and its rules. Non-agricultural park lands are not the
16 same as, and shall not be selected or managed as are lands under
17 agricultural park leases. Prior to offering a lease, the
18 department shall inquire with the department of land and natural
19 resources regarding any easements required by the department of
20 land and natural resources on the lands subject to the lease.

21 Notwithstanding any other law to the contrary, the program shall



1 include the following conditions pertaining to encumbered non-
2 agricultural park lands:

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

17 The transfer of non-agricultural park lands shall be done [~~in a~~
18 ~~manner to be determined by the board of agriculture.~~] pursuant
19 to this section.

20 (c) For any encumbered or unencumbered non-agricultural
21 park lands transferred to the department that are not being



1 utilized or required for the public purpose stated, the order
2 setting aside the lands shall be withdrawn and the lands shall
3 be returned to the department of land and natural resources.

4 (d) No later than one year after the effective date of
5 this Act, the department of agriculture and the department of
6 land and natural resources shall meet and identify by mutual
7 agreement the non-agricultural park lands under the jurisdiction
8 of the department of land and natural resources that are not in
9 use for the public purpose for which it has been leased and
10 should be rezoned as lands in the conservation district and
11 should remain under the jurisdiction of the department of land
12 and natural resources. All other non-agricultural park lands
13 currently leased and being utilized for the agricultural public
14 purpose defined by their current lease agreements shall be
15 transferred to the department.

16 (e) All non-agricultural park lands under the jurisdiction
17 of the department of land and natural resources and not
18 identified pursuant to subsection (d) shall be placed under the
19 jurisdiction of the department no later than December 31, 2023.

20 (f) Beginning in the 2016-2017 fiscal year, and no less
21 than every fifth fiscal year thereafter, the department of



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1 agriculture and the department of land and natural resources
2 shall meet and determine additional lands that may be
3 appropriate for transfer from the department of land and natural
4 resources to the department for the purposes of this chapter."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

8

INTRODUCED BY: *Thomas L. Arroyo*



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Report Title:

Department of Agriculture; Department of Land and Natural Resources; Non-agricultural Park Lands; Pastoral Lands; Task Force

Description:

Requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district. Requires that agricultural lands under the jurisdiction of the department of land and natural resources be transferred to the department of agriculture not later than 12/31/2023. Requires the department of land and natural resources and department of agriculture to meet every five years to discuss transferring remaining lands. Requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

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

