

JAN 20 2012

S.B. NO. 2356

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# A BILL FOR AN ACT

RELATING TO PUBLIC LAND.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Section 141-1, Hawaii Revised Statutes, is amended to read as follows:

**"§141-1 Duties in general.** The department of agriculture shall:

(1) Gather, compile, and tabulate, from time to time, information and statistics concerning:

(A) Entomology and plant pathology: Insects, scales, blights, and diseases injurious or liable to become injurious to trees, plants, or other vegetation, and the ways and means of exterminating pests and diseases already in the State and preventing the introduction of pests and diseases not yet here; and

(B) General agriculture: Fruits, fibres, and useful or ornamental plants and their introduction, development, care, and manufacture or exportation, with a view to introducing,



1           establishing, and fostering new and valuable  
2           plants and industries;

3       (2) Encourage and cooperate with the agricultural  
4       extension service and agricultural experiment station  
5       of the University of Hawaii and all private persons  
6       and organizations doing work of an experimental or  
7       educational character coming within the scope of the  
8       subject matter of chapters 141, 142, and 144 to 150A,  
9       and avoid, as far as practicable, duplicating the work  
10      of those persons and organizations;

11      (3) Enter into contracts, cooperative agreements, or other  
12      transactions with any person, agency, or organization,  
13      public or private, as may be necessary in the conduct  
14      of the department's business and on such terms as the  
15      department may deem appropriate; provided that the  
16      department shall not obligate any funds of the State,  
17      except the funds that have been appropriated to the  
18      department. Pursuant to cooperative agreement with  
19      any authorized federal agency, employees of the  
20      cooperative agency may be designated to carry out, on  
21      behalf of the State the same as department personnel,  
22      specific duties and responsibilities under chapters



1 141, 142, 150A, and rules adopted pursuant to those  
2 chapters, for the effective prosecution of pest  
3 control and animal disease control and the regulation  
4 of import into the State and intrastate movement of  
5 regulated articles;

- 6 (4) Secure copies of the laws of other states,  
7 territories, and countries, and other publications  
8 germane to the subject matters of chapters 141, 142,  
9 and 144 to 150A, and make laws and publications  
10 available for public information and consultation;
- 11 (5) Provide buildings, grounds, apparatus, and  
12 appurtenances necessary for the examination,  
13 quarantine, inspection, and fumigation provided for by  
14 chapters 141, 142, and 144 to 150A; for the obtaining,  
15 propagation, study, and distribution of beneficial  
16 insects, growths, and antidotes for the eradication of  
17 insects, blights, scales, or diseases injurious to  
18 vegetation of value and for the destruction of  
19 injurious vegetation; and for carrying out any other  
20 purposes of chapters 141, 142, and 144 to 150A;

- 21 (6) Formulate and recommend to the governor and  
22 legislature additional legislation necessary or



desirable for carrying out the purposes of chapters  
141, 142, and 144 to 150A;

(7) Publish at the end of each year a report of the  
expenditures and proceedings of the department and of  
the results achieved by the department, together with  
other matters germane to chapters 141, 142, and 144 to  
150A and that the department may deem proper;

(8) Administer a program of agricultural planning and  
development, including the formulation and  
implementation of general and special plans, including  
but not limited to the functional plan for  
agriculture; administer the planning, development, and  
management of the agricultural park program; plan,  
construct, operate, and maintain the state irrigation  
water systems; review, interpret, and make  
recommendations with respect to public policies and  
actions relating to agricultural land and water use;  
assist in research, evaluation, development,  
enhancement, and expansion of local agricultural  
industries; and serve as liaison with other public  
agencies and private organizations for the above  
purposes. In the foregoing, the department shall act



1 to conserve and protect agricultural lands and  
2 irrigation water systems, promote diversified  
3 agriculture, increase agricultural self-sufficiency,  
4 and ensure the availability of agriculturally suitable  
5 lands; [~~and~~]

6 (9) Manage, administer, and exercise control over any  
7 public lands, as defined under section 171-2, that are  
8 designated important agricultural lands pursuant to  
9 section 205-44.5, including but not limited to  
10 establishing priorities for the leasing of these  
11 public lands within the department's jurisdiction[~~-~~];  
12 and

13 (10) By January 1, 2013, transfer title for all arable  
14 public lands under its jurisdiction that are not used  
15 by the department for its offices or other  
16 administrative purposes to the agribusiness  
17 development corporation, pursuant to section 163D-  
18 16(d) and (e)."

19 SECTION 2. Section 163D-16, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "[~~+~~]**§163D-16**[~~+~~] **Use of public lands; acquisition of state**  
22 **lands**[~~-~~]; **transfer of title.** (a) Notwithstanding chapter 171



1 to the contrary, the governor may transfer lands located within  
2 a project area to the corporation for its use.

3 (b) If state lands under the control and management of  
4 other public agencies are required by the corporation for its  
5 purposes, the agency having the control and management of those  
6 required lands, upon request by the corporation and with the  
7 approval of the governor, may lease the lands to the corporation  
8 upon such terms and conditions as may be agreed to by the  
9 parties.

10 (c) Notwithstanding subsection (b) to the contrary, no  
11 public lands shall be leased to the corporation if the lease  
12 would impair any covenant between the State or any county, or  
13 any department or board thereof, and the holders of bonds issued  
14 by the State or the county, department, or board.

15 (d) Notwithstanding chapter 171 or any provision of this  
16 chapter to the contrary, the department of agriculture shall:

17 (1) By January 1, 2013, transfer title for all arable  
18 public lands under its jurisdiction to the corporation  
19 for purposes of this chapter; and

20 (2) Establish a standard instrument to document titles  
21 that have been transferred to the corporation. The  
22 standard instrument shall include:



- 1        (A) The location of the transferred land by metes and  
2        bounds, tax map key number, or both;
- 3        (B) The size of the transferred land, rounded to the  
4        nearest acre;
- 5        (C) The date that the transferred land was acquired  
6        by the department;
- 7        (D) If the transferred land is subject to a lease,  
8        the name of the lessee, the date that the lease  
9        was executed, the date that the lease expires,  
10       and the nature of the business transacted on the  
11       transferred land;
- 12       (E) The transferred land's state land use, state land  
13       classification, and county zoning designation;
- 14       (F) A description of all natural resources, including  
15       minerals and water, located on or appurtenant to  
16       the transferred land;
- 17       (G) A description of every easement, covenant,  
18       regulatory condition, or other benefit or  
19       servitude to which the transferred land is  
20       entitled or subject; and



(H) A description of all leases, uses, or other dispositions to which the transferred land has been put.

(e) For lands for which the department of agriculture has transferred title to the corporation under subsection (d), the department shall retain all regulatory and enforcement functions and the corporation shall assume all commercial and revenue-generating functions."

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

SECTION 4. This Act shall take effect on July 1, 2012.

INTRODUCED BY:

*[Handwritten signatures]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*





# S.B. NO. 2356

**Report Title:**

DOA; Agribusiness Development Corporation; Title Transfer

**Description:**

Requires DOA to transfer title for all arable public lands under its jurisdiction to the agribusiness development corporation.

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