
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Act 90, Session Laws of Hawaii 2003, codified
2 as chapter 166E, Hawaii Revised Statutes, was enacted to
3 transfer certain non-agricultural park lands from the department
4 of land and natural resources to the department of agriculture.
5 The legislature finds that many lessees of large acreages of
6 land, primarily farmers and ranchers, have already been notified
7 by the department of agriculture that their land leases were to
8 be transferred to and managed by the department of agriculture.
9 However, the department of land and natural resources has not
10 transferred the land in almost fifteen years since Act 90 was
11 enacted.

12 Therefore, the purpose of this Act is to:

13 (1) Require the board of land and natural resources to
14 transfer to the department of agriculture all lands
15 under its ownership that are classified for
16 agricultural use and have been identified by the



1 department of agriculture as suitable for transfer by
2 June 30, 2020; and

3 (2) Repeal the requirement that the transfer of lands be
4 made upon the mutual agreement and approval of the
5 board of agriculture and the board of land and natural
6 resources.

7 SECTION 2. Section 166E-1, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§166E-1[+] **Legislative findings.** The legislature
10 finds that article XI, section 10, of the state constitution
11 establishes that "the public lands shall be used for the
12 development of farm and homeownership on as widespread a basis
13 as possible, in accordance with procedures and limitations
14 prescribed by law".

15 Therefore, the legislature finds that certain public lands
16 classified for agricultural use by the department of land and
17 natural resources and identified as suitable for transfer by the
18 department of agriculture should be transferred to the
19 department of agriculture[, ~~with the approval of the board of~~
20 ~~land and natural resources and the board of agriculture,~~] for



1 purposes and in a manner consistent with article XI, section 10,
2 of the state constitution.

3 The purpose of this chapter is to ensure the long-term
4 productive use of public lands leased or available to be leased
5 by the department of land and natural resources for agricultural
6 purposes by ~~[allowing]~~ requiring that these lands to be
7 transferred to and managed by the department of agriculture."

8 SECTION 3. Section 166E-3, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) ~~[Upon mutual agreement and approval of the board and~~
11 ~~the board of land and natural resources:]~~ No later than June
12 30, 2020:

13 (1) The board of land and natural resources shall transfer
14 to the department of agriculture any lands that are:

15 (A) Classified for agricultural use by the department
16 of land and natural resources; and

17 (B) Identified by the department of agriculture as
18 suitable for transfer;

19 ~~[-(1) The]~~ provided that the department [may] of agriculture
20 agrees to accept the transfer of and manage [certain



1 ~~qualifying~~ the identified non-agricultural park
2 lands; and

3 (2) Certain assets, including position counts, related to
4 the management of existing encumbered and unencumbered
5 non-agricultural park lands and related facilities
6 shall be transferred to the department."

7 SECTION 4. (a) Any lands identified for unconditional
8 transfer as non-agricultural park lands and not transferred by
9 June 30, 2020, shall be placed under the jurisdiction of the
10 department of agriculture by July 1, 2021. The department of
11 land and natural resources shall be responsible for all leases
12 and agreements that are not in compliance with section 166E-3,
13 Hawaii Revised Statutes. The department of agriculture shall
14 assume responsibility for compliant leases and agreements and
15 shall negotiate future leases and agreements by July 1, 2021.

16 (b) The department of land and natural resources and
17 department of agriculture shall jointly report to the
18 legislature no later than twenty days prior to the convening of
19 the regular session of 2019 on their efforts to effectuate the
20 land transfers under this Act, including providing a list of all
21 identified land transfers.



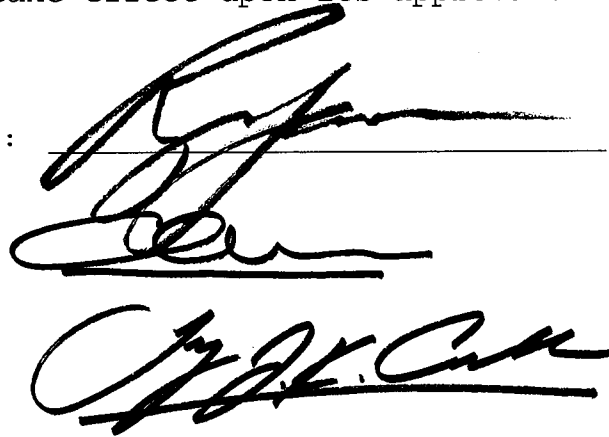
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1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY:

Three handwritten signatures in black ink, each written over a horizontal line. The signatures are stylized and cursive.

JAN 19 2018



H.B. NO. 1989

Report Title:

Land Use; DOA; DLNR; Non-agricultural Park Lands

Description:

Requires the Board of Land and Natural Resources to transfer to the Department of Agriculture by 6/30/2020, all lands under its ownership that are classified for agricultural use and have been identified by the Department of Agriculture as suitable for transfer. Repeals the requirement that the land transfers be made upon the mutual agreement and approval of the Board of Agriculture and the Board of Land and Natural Resources.

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

