
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 establish a mechanism 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, by:

13 (1) Requiring the department of agriculture, by January 1,
14 2022, to transmit to the department of land and
15 natural resources a list of a list of lands that it
16 has identified as being disputed lands;



- 1 (2) Requiring the department of land and natural resources
2 to review the list;
- 3 (3) In the event that the department of agriculture and
4 department of land and natural resources disagree
5 regarding the disputed lands, requiring the board of
6 land and natural resources to establish a third-party
7 advisory committee prior to any disposition or
8 transfer of the disputed lands;
- 9 (4) Requiring the third-party advisory committee to review
10 the disputed lands proposed for disposition or
11 transfer and determine whether any of the lands
12 requested meet certain criteria;
- 13 (5) Requiring the third-party advisory committee to
14 determine whether the department of agriculture or
15 department of land and natural resources is the
16 appropriate agency for managing the parcel of land;
- 17 (6) Requiring that, if the department of agriculture and
18 department of land and natural resources are unable to
19 reach a mutual agreement regarding the disposition or
20 transfer of disputed lands, the disputed lands will
21 remain under the jurisdiction and management of the



1 department of land and natural resources until such
2 time as a mutual agreement can be reached regarding
3 their disposition;

4 (7) Requiring that for lands for which the department of
5 agriculture and department of land and natural
6 resources reach a mutual agreement regarding their
7 disposition, such lands will be transferred to the
8 department of agriculture; and

9 (8) Requiring that beginning with the 2026-2027 fiscal
10 year, and no less than every fifth fiscal year
11 thereafter, the department of agriculture and
12 department of land and natural resources will
13 undertake the process set forth in paragraphs (1)
14 through (7).

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

17 **"§166E-3 Transfer and management of non-agricultural park**
18 **lands and related facilities to the department of agriculture.**

19 (a) Upon mutual agreement and approval of the board and the
20 board of land and natural resources:



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

17 Notwithstanding any other law to the contrary, the program shall
18 include the following conditions pertaining to encumbered
19 non-agricultural park lands:

20 (1) The lessee or permittee shall perform in full
21 compliance with the existing lease or permit;



1 (2) The lessee or permittee shall not be in arrears in the
2 payment of taxes, rents, or other obligations owed to
3 the State or any county;

4 (3) The lessee's or permittee's agricultural operation
5 shall be economically viable as specified by the
6 board; and

7 (4) No encumbered or unencumbered non-agricultural park
8 lands with soils classified by the land study bureau's
9 detailed land classification as overall (master)
10 productivity rating class A or B shall be transferred
11 for the use or development of golf courses, golf
12 driving ranges, and country clubs.

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

16 (c) For any encumbered or unencumbered non-agricultural
17 park lands transferred to the department that are not being
18 utilized or required for the public purpose stated, the order
19 setting aside the lands shall be withdrawn and the lands shall
20 be returned to the department of land and natural resources.



1 (d) No later than January 1, 2022, the department shall
2 transmit to the department of land and natural resources a list
3 of lands that it has identified as being disputed lands. The
4 department of land and natural resources shall review the list.
5 In the event that the department and department of land and
6 natural resources disagree regarding the disputed lands, the
7 board of land and natural resources shall establish a
8 third-party advisory committee prior to any disposition or
9 transfer of the disputed lands. The third-party advisory
10 committee shall comprise the following members:

- 11 (1) The chairperson of the board, or the chairperson's
12 designee;
- 13 (2) The chairperson of the board of land and natural
14 resources, or the chairperson's designee;
- 15 (3) A representative of the college of tropical
16 agriculture and human resources of the University of
17 Hawaii;
- 18 (4) A representative of an organization that represents
19 the interests of cattle producers in Hawaii;
- 20 (5) A representative of an organization that represents
21 the interests of agricultural producers in Hawaii;



1 (6) A representative of an organization that represents
2 the conservation districts in Hawaii; and

3 (7) A representative of an organization that represents
4 the watershed partnerships in Hawaii.

5 (e) The third-party advisory committee established in
6 subsection (d) shall review the disputed lands proposed for
7 disposition or transfer and determine whether any of the lands
8 requested:

9 (1) Are suitable for food production for local consumption
10 and export;

11 (2) Contain important natural resources, including remnant
12 native forests, important watersheds, or native or
13 endangered plants and wildlife;

14 (3) Adjoin or are near forest reserves or are former
15 forest lands and, as a result, have the potential for
16 reforestation;

17 (4) Are important for providing access to other public
18 lands for management; traditional gathering; and
19 public recreation, including hunting and trails; or

20 (5) Could be used now or in the future for other public or
21 priority purposes, such as public schools;



1 institutions of higher education; affordable housing;
2 renewable energy projects; or other income-producing
3 opportunities or possibilities, such as commercial,
4 hotel, mixed-use, or industrial use that could
5 generate revenues for the State.

6 The third-party advisory committee shall determine whether
7 the department or the department of land and natural resources
8 is the appropriate managing agency for the parcel of land.

9 The board and board of land and natural resources shall
10 review and consider the findings of the third-party advisory
11 committee prior to approving any disposition or transfer of
12 disputed lands.

13 (f) If the department and the department of land and
14 natural resources are unable to reach a mutual agreement
15 regarding the disposition or transfer of disputed lands, the
16 disputed lands, and the leases or revocable permits encumbering
17 them, shall remain under the jurisdiction and management of the
18 department of land and natural resources until such time as a
19 mutual agreement can be reached regarding their disposition.
20 For lands for which the department and department of land and



1 natural resources reach a mutual agreement regarding their
2 disposition, such lands shall be transferred to the department.

3 As used in this subsection and subsections (d) and (e),
4 "disputed lands" means state lands managed by the department of
5 land and natural resources that may qualify for transfer to the
6 department pursuant to Act 90, Session Laws of Hawaii 2003, but
7 have not been transferred because of a disagreement between the
8 department and department of land and natural resources
9 regarding whether or not the land should be transferred.

10 (g) Beginning with the 2026-2027 fiscal year, and no less
11 than every fifth fiscal year thereafter, the department and
12 department of land and natural resources shall undertake the
13 process set forth in subsections (d) through (f)."

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

16 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Department of Agriculture; Department of Land and Natural Resources; Non-agricultural Park Lands; Third-party Advisory Committee

Description:

Establishes a mechanism for the transfer of certain non-agricultural park lands from the DLNR to the DOA pursuant to Act 90, SLH 2003, and chapter 166E, HRS. Effective 1/1/2050.
(HD1)

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