
A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1 SECTION 1. Chapter 103D, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 **"§103D- Purchases of produce; option to lease state**
5 **agricultural land; specifications.** (a) When awarding any
6 contract for the purchase of produce, a purchasing agency shall
7 include an option for the contractor supplying the produce to
8 lease state agricultural land as provided in this section.

9 (b) Prior to the solicitation for any procurement of
10 produce, a purchasing agency shall provide the college of
11 tropical agriculture and human resources of the university of
12 Hawaii with information on the amount and type of produce being
13 purchased or expected to be purchased under the procurement.
14 The college of tropical agriculture and human resources shall
15 assess the information provided and, using data provided to the
16 college under subsection (e), identify available state



1 agricultural land that may be leased to the contractor to grow
2 the produce; provided that:

3 (1) The land identified shall be of sufficient area and
4 quality to grow the produce purchased under the
5 contract; and

6 (2) To the extent practicable, the land identified shall
7 be contiguous to allow the contractor to take
8 advantage of economies of scale and to minimize the
9 amount of infrastructure required to grow the produce;

10 provided further that if the college of tropical agriculture and
11 human resources determines that the type of produce being
12 procured by the purchasing agency is of a type for which there
13 is no state agricultural land of sufficient area or quality
14 available that is suitable to grow that produce, the college of
15 tropical agriculture and human resources shall transmit this
16 determination to the purchasing agency and subsections (c)
17 and (d) of this section shall not apply to that procurement.

18 (c) The college of tropical agriculture and human
19 resources shall transmit to the purchasing agency and the
20 department of agriculture a recommendation made pursuant to
21 subsection (b). The department of agriculture, upon receipt of



1 the recommendation, shall determine lease terms for the
2 identified state agricultural land. The purchasing agency shall
3 include the proposed lease terms with the invitation for bids or
4 request for proposals and inform prospective bidders that the
5 award of that contract shall include an option for the
6 contractor to lease the identified state agricultural lands
7 under the lease terms provided by the department of agriculture.
8 If a procurement is being conducted under a sole source
9 procurement, the selected contractor shall be informed of the
10 availability of the state agricultural land and the relevant
11 lease terms as the contract is being negotiated.

12 (d) After the purchasing agency has awarded the contract,
13 the contractor to which the contract was awarded shall inform
14 the department of agriculture whether it intends to lease the
15 state agricultural land. Notwithstanding any other law to the
16 contrary, if the contractor indicates that it intends to lease
17 the state agricultural land, the department of agriculture shall
18 lease the land to the contractor under the lease terms
19 established pursuant to subsection (c); provided that this
20 subsection shall not be construed to preclude the department of



1 agriculture and the contractor from negotiating different lease
2 terms if both parties agree to those terms.

3 (e) The department of agriculture shall furnish the
4 college of tropical agriculture and human resources with any
5 information that the college of tropical agriculture and human
6 resources deems necessary to perform its duties under this
7 section.

8 (f) This section shall not apply to contracts for the
9 purchase of produce entered into by the purchasing agency of a
10 county.

11 (g) As used in this section:

12 "Produce" means all agricultural, horticultural, and
13 vegetable produce of the soil.

14 "State agricultural lands" means lands under the control of
15 the department of agriculture that are zoned for agricultural
16 use and are available to be leased to farmers."

17 SECTION 2. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 3. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Hawaii Public Procurement Code; Produce Contracts; Option to Lease; State Agricultural Lands; CTAHR; DOA

Description:

Requires a state contract for the purchase of produce to include an option for the contractor supplying the produce to lease of state agricultural lands. Establishes a process for the college of tropical agriculture and human resources of the university of Hawaii to identify appropriate land to be leased. Effective 7/1/3000. (HD2)

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