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# 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, regarding non-  
13 agricultural park lands, and to require the two departments to  
14 periodically meet to discuss the potential for future land  
15 transfers.

16           SECTION 2. Section 166E-3, Hawaii Revised Statutes, is  
17 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  
17 under 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 to access landlocked forest reserves  
21 or other assets of the department of land and natural resources



1 on the lands subject to the lease. Notwithstanding any other  
2 law to the contrary, the program shall include the following  
3 conditions pertaining to encumbered non-agricultural park lands:

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

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



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4 setting aside the lands shall be withdrawn and the lands shall  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

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

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



1        (f) Beginning in the 2021-2022 fiscal year, and no less  
2 than every fifth fiscal year thereafter, the department and the  
3 department of land and natural resources shall meet and  
4 determine additional lands that may be appropriate for transfer  
5 from the department of land and natural resources to the  
6 department for the purposes of this chapter."

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

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



**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. (SD1)

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

