

MAR 12 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO UPDATE LEASE AGREEMENTS FOR LANDS USED PURSUANT TO ACT 90, SESSION LAWS OF HAWAII 2003, HOLD A PUBLIC HEARING TO REVIEW AND UPDATE LEASES RELATED TO THE MANAGEMENT OF EXISTING NON-AGRICULTURAL PARK LANDS, AND SUBMIT REPORTS REGARDING ANY UPDATED LEASES AND LANDS TRANSFERRED, AND NOT YET TRANSFERRED, PURSUANT TO ACT 90.

1 WHEREAS, article XI, section 10, of the Hawaii State
2 Constitution states that "public lands shall be used for the
3 development of farm and home ownership on as widespread a basis
4 as possible, in accordance with procedures and limitations
5 prescribed by law"; and
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7 WHEREAS, prior to 2003, the Department of Land and Natural
8 Resources was responsible for all public lands, including those
9 used for agricultural purposes; and
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11 WHEREAS, the Department of Agriculture has the expertise
12 and necessary resources to manage lands used for agricultural
13 purposes and works with the agricultural community on a daily
14 basis on various issues relating to agriculture; and
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16 WHEREAS, Act 90, Session Laws of Hawaii 2003 (Act 90),
17 established the procedures to transfer the management of certain
18 public lands that are available to be used for agricultural
19 purposes from the Department of Land and Natural Resources to
20 the Department of Agriculture; and
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22 WHEREAS, the purpose of Act 90, is to ensure the long-term
23 productive use of public lands leased or available to be leased
24 by the Department of Land and Natural Resources for agricultural
25 purposes by allowing these lands to be transferred to and
26 managed by the Department of Agriculture; and
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1 WHEREAS, section 166E-11, Hawaii Revised Statutes,
2 authorizes the Department of Agriculture to negotiate and enter
3 into leases with certain individuals to lease lands that are
4 used for agricultural purposes; and
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6 WHEREAS, the Department of Agriculture has been derelict in
7 its duties prescribed by Act 90; now, therefore,
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9 BE IT RESOLVED by the Senate of the Thirty-first
10 Legislature of the State of Hawaii, Regular Session of 2021, the
11 House of Representatives concurring, that the Department of
12 Agriculture is requested to update lease agreements for lands
13 used pursuant to Act 90, to further the intended purpose of Act
14 90 of ensuring the long-term use of public lands for
15 agricultural purposes; and
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17 BE IT FURTHER RESOLVED that the Department of Agriculture,
18 Board of Agriculture, and Board of Land and Natural Resources
19 are requested to hold a public hearing to review and update the
20 leases related to the management of existing non-agricultural
21 park lands pursuant to Act 90; and
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23 BE IT FURTHER RESOLVED that the Department of Agriculture
24 is requested to submit a report on the status of entering into
25 an updated lease agreement from the Department of Land and
26 Natural Resources to the Legislature no later than twenty days
27 prior to the convening of the Regular Session of 2022; and
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29 BE IT FURTHER RESOLVED that the Department of Agriculture,
30 in collaboration with the Department of Land and Natural
31 Resources, is requested to submit a report to the Legislature no
32 later than twenty days prior to the convening of the Regular
33 Session of 2022 on their efforts to comply with this body; and
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35 BE IT FURTHER RESOLVED that the report include:
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37 (1) A list of all lands transferred pursuant to this body;
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39 (2) A list of all lands that have not yet been transferred
40 pursuant to Act 90 and an explanation why each of
41 those lands have not been transferred; and
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1 (3) Proposed legislation, if necessary; and

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BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the Chairperson of the
Board of Agriculture and Chairperson of the Board of Land and
Natural Resources.

OFFERED BY:

