
A BILL FOR AN ACT

RELATING TO LEASES.

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 (Act 90), was enacted to transfer certain non-
3 agricultural park lands from the department of land and natural
4 resources to the department of agriculture. While three hundred
5 parcels consisting of approximately nineteen thousand acres have
6 been transferred over the past seventeen years, many parcels
7 have not been transferred.

8 The legislature further finds that Act 139, Session Laws of
9 Hawaii 2021, established the Act 90 working group to determine
10 the process, status, challenges, and potential remedies
11 regarding the transfer of non-agricultural park lands to fulfill
12 the purposes of Act 90.

13 The purpose of this Act is to adopt a recommendation from
14 the Act 90 working group that requires as a condition precedent
15 for any valid withdrawal of lands out of pasture leases for
16 reforestation purposes that the division of forestry and
17 wildlife submit a funded action plan detailing the planned



1 reforestation process for those lands and that the withdrawal be
2 approved by the board of land and natural resources.

3 SECTION 2. Section 171-37, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§171-37 Lease restrictions; intensive agricultural and**
6 **pasture uses.** In addition to the restrictions provided in
7 section 171-36, the following restrictions shall apply to all
8 leases for intensive agricultural and pasture uses:

9 (1) The lease term shall not be less than fifteen years
10 nor more than thirty-five years, except that if the
11 type of disposition requires the lessee to occupy the
12 premises as the lessee's own personal residence, the
13 lease term may be longer than thirty-five years;
14 provided that the lease term shall not be in excess of
15 seventy-five years, except that in the case of a tree-
16 crop orchard lease, the term shall not be in excess of
17 forty-five years;

18 (2) If the land being leased is not immediately productive
19 and requires extensive expenditures for clearing,
20 conditioning of the soil, the securing of water, the
21 planting of grasses, or the construction of



1 improvements, as the result of which a longer term is
2 necessary to amortize the lessee's investment, then
3 the lease term may be longer than thirty-five years,
4 but not in excess of fifty-five years; and

5 (3) The land leased hereunder, or any portion thereof,
6 shall be subject to withdrawal by the board at any
7 time during the term of the lease with reasonable
8 notice and compensation, as provided in section 171-
9 37.5, for public uses or purposes, including
10 residential, commercial, industrial, or resort
11 developments, for constructing new roads or
12 extensions, or changes in line or grade of existing
13 roads, for rights-of-way and easements of all kinds,
14 and shall be subject to the right of the board to
15 remove soil, rock, or gravel as may be necessary for
16 the construction of roads and rights-of-way within or
17 without the demised premises. No lands in pasture
18 leases shall be withdrawn for reforestation purposes
19 unless:

20 (A) The division of forestry and wildlife submits a
21 funded action plan to the board that details the



1 planned reforestation process for those lands;

2 and

3 (B) The board approves the withdrawal.

4 "Tree-crop", as used in this section, shall be exclusive of
5 papaya and banana."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2050.

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Report Title:

Withdrawal; Pasture Leases; BLNR Approval; Funded Action Plan

Description:

Requires as a condition precedent for any valid withdrawal of lands out of pasture leases for reforestation purposes that the division of forestry and wildlife submit a funded action plan detailing the planned reforestation process for those lands and that the withdrawal be approved by the board of land and natural resources. Effective 7/1/2050. (HD1)

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