
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 (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. The working group determined that
13 certain lands would be considered eligible for transfer if an
14 easement were provided to allow the department of land and
15 natural resources or the public to access an adjacent parcel.

16 The purpose of this Act is to adopt a recommendation from
17 the Act 90 working group that authorizes the department of



1 agriculture to inquire with the department of land and natural
2 resources, prior to offering a lease, regarding any easements
3 required on the lands that are subject to the lease.

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

6 **"§166E-3 Transfer and management of non-agricultural park**
7 **lands and related facilities to the department of agriculture.**

8 (a) Upon mutual agreement and approval of the board and the
9 board of land and natural resources:

10 (1) The department may accept the transfer of and manage
11 certain qualifying non-agricultural park lands; and

12 (2) Certain assets, including position counts, related to
13 the management of existing encumbered and unencumbered
14 non-agricultural park lands and related facilities
15 shall be transferred to the department.

16 (b) The department shall administer a program to manage
17 the transferred non-agricultural park lands under rules adopted
18 by the board pursuant to chapter 91. The program and its rules
19 shall be separate and distinct from the agricultural park
20 program and its rules. Non-agricultural park lands are not the
21 same as, and shall not be selected or managed as are lands under



1 agricultural park leases. Notwithstanding any other law to the
2 contrary, the program shall include the following conditions
3 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.

20 (c) For any encumbered or unencumbered non-agricultural
21 park lands transferred to the department that are not being



utilized or required for the public purpose stated, the order setting aside the lands shall be withdrawn and the lands shall be returned to the department of land and natural resources.

(d) Before any transfer of certain qualifying non-agricultural park lands, the department may request from the department of land and natural resources any information related to the establishment of easements by necessity upon the lands."

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:



JAN 21 2022



H.B. NO. 1658

Report Title:

HDOA; DLNR; Non-Agricultural Park Lands; Transfer; Easements

Description:

Before the transfer of non-agricultural park lands, authorizes HDOA to request information from DLNR related to the establishment of easements by necessity upon the lands.

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