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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 (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.

5       The legislature further finds that Act 139, Session Laws of  
6 Hawaii 2021, established a working group to determine the  
7 process, status, challenges, and potential remedies regarding  
8 the transfer of non-agricultural park lands to fulfill the  
9 purposes of Act 90. A key finding of the working group is that  
10 lands under the department of land and natural resources used  
11 for the primary and substantial management objective of  
12 agricultural production should be transferred to the department  
13 of agriculture, following the processes and conditions pursuant  
14 to Act 90.

15       The purpose of this Act is to require the department of  
16 agriculture, upon approval of the board of agriculture, to



1 accept the transfer of and manage certain qualifying non-  
2 agricultural park lands.

3 SECTION 2. Section 166E-1, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[~~§~~§166E-1[~~§~~] **Legislative findings.** The legislature  
6 finds that article XI, section 10, of the [~~state constitution~~]  
7 Hawaii State Constitution establishes that "the public lands  
8 shall be used for the development of farm and [~~homeownership~~]  
9 home ownership on as widespread a basis as possible, in  
10 accordance with procedures and limitations prescribed by law."

11 Therefore, the legislature finds that certain public lands  
12 classified for agricultural use, including all lands designated  
13 as intensive agricultural use, special livestock use, and  
14 pasture use under section 171-10(1), (2), and (3), by the  
15 department of land and natural resources should be transferred  
16 to the department of agriculture[, ~~with the approval of the~~  
17 ~~board of land and natural resources and the board of~~  
18 ~~agriculture,~~] for purposes and in a manner consistent with  
19 article XI, section 10, of the [~~state constitution.~~] Hawaii  
20 State Constitution.



1       The purpose of this chapter is to ensure the long-term  
2       productive use of public lands leased or available to be leased  
3       by the department of land and natural resources for agricultural  
4       purposes, including pasture use, by allowing these lands to be  
5       transferred to and managed by the department of agriculture."

6       SECTION 3. Section 166E-3, Hawaii Revised Statutes, is  
7       amended by amending subsection (a) to read as follows:

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

10       (1) The department [~~may~~] shall accept the transfer of and  
11       manage certain qualifying non-agricultural park  
12       lands[~~+~~], subject to the suitability of the land for  
13       agricultural activities and use as determined by the  
14       board; and

15       (2) Certain assets, including position counts, related to  
16       the management of existing encumbered and unencumbered  
17       non-agricultural park lands and related facilities  
18       shall be transferred to the department[~~-~~];  
19       provided that designated conservation lands not in current  
20       agricultural use shall remain under the jurisdiction of the  
21       department of land and natural resources."



1       SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4       SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Agriculture; Department of Land and Natural Resources; Non-agricultural Park Lands; Transfer

**Description:**

Allows the Department of Land and Natural Resources to transfer certain public lands for agricultural use to the Department of Agriculture without approval from the Board of Land and Natural Resources and Board of Agriculture. Requires the Department of Agriculture, upon approval of the Board of Agriculture, to accept the transfer of and manage certain qualifying non-agricultural park lands. Effective 7/1/3000. (HD1)

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

