

ACT 25

S.B. NO. 2820

A Bill for an Act Relating to Agricultural Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 166E-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department shall administer a program to manage the transferred non-agricultural park lands under rules adopted by the board pursuant to chapter 91. The program and its rules shall be separate and distinct from the agricultural park program and its rules. Non-agricultural park lands are not the same as, and shall not be selected or managed as are lands under agricultural park leases. Notwithstanding any other law to the contrary, the program shall include the following conditions pertaining to encumbered non-agricultural park lands:

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

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The transfer of non-agricultural park lands shall be done in a manner to be determined by the board of agriculture ~~[[and] may include more than one parcel; provided that these parcels are geographically adjacent to one another].~~”

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

“~~[E]§166E-5[.]~~ **Extension of ~~[other agricultural] qualified and encumbered non-agricultural park lands [encumbered by permit and] transferred to and managed by the department.~~** Notwithstanding chapter 171, the board shall establish criteria and rules to allow the cancellation, renegotiation, and extension of transferred encumbrances by the department. Notwithstanding any law to the contrary, leases of qualified and encumbered non-agricultural park lands transferred to the department shall not have ~~[their]~~ the respective length of term of the lease or rents reduced over the remaining fixed term of the ~~[leases.] applicable encumbrances.~~”

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

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

(Approved April 29, 2004.)