
A BILL FOR AN ACT

RELATING TO WELLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to place a
2 moratorium on the issuance of permits for the construction of
3 wells intended to serve agricultural land parcels that are
4 likely to be "fake farms" or "gentleman estates".

5 The moratorium shall end when the first designation of
6 "important agricultural land" is made by the land use commission
7 pursuant to sections 205-41 to 205-52, Hawaii Revised Statutes.
8 The legislature finds that, when the designation is made, the
9 State will have made significant progress in resolving the issue
10 of the appropriate use of agricultural land.

11 SECTION 2. For the purposes of this Act:

12 "Agricultural land" means land in the agricultural district
13 under chapter 205, Hawaii Revised Statutes.

14 "Commission" means the commission on water resource
15 management.

16 "Domestic use" means the same as defined under section
17 174C-3.



1 "Important agricultural land" means the same as defined
2 under section 205-42.

3 "Installation of pumps and pumping equipment" for a well
4 means the same as defined under section 174C-81.

5 "Termination date" means the date on which the first
6 designation of "important agricultural land" is made by the land
7 use commission under chapter 205, Hawaii Revised Statutes.

8 "Well construction" means the same as defined under section
9 174C-81, Hawaii Revised Statutes.

10 SECTION 3. (a) Notwithstanding chapter 174C, part VII,
11 Hawaii Revised Statutes, or any other law to the contrary, from
12 July 1, 2008, until the termination date, the commission on
13 water resource management shall not issue a permit for the
14 construction of a well that is intended to provide water for
15 domestic use to at least one parcel of agricultural land that:

- 16 (1) Is five acres or less in size; and
17 (2) Has or will have a dwelling on the parcel of
18 agricultural land.

19 (b) Subsection (a) shall not apply to a permit for well
20 construction, the application for which is pending on June 30,
21 2008.



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1 (c) Subsection (a) also shall not apply to a permit for
2 the installation of pumps or pumping equipment for a well
3 existing on June 30, 2008 or subject to subsection (b).



4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:




Tom Bauer


JAN 15 2008



Report Title:

Well Construction Permits; Moratorium

Description:

Establishes a moratorium on the issuance of permits for well construction on certain agricultural lands.

