
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 part III of chapter 205, 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. (a) Notwithstanding chapter 174C, part VII,
12 Hawaii Revised Statutes, or any other law to the contrary, from
13 July 1, 2008, until the termination date, the commission shall
14 not issue any permits for the construction of a well that is
15 intended to provide water for domestic use to at least one
16 parcel of agricultural land that:

17 (1) Is five acres or less in size; and



1 (2) Has or will have a dwelling on the parcel of
2 agricultural land.

3 (b) Subsection (a) shall not apply to:

4 (1) A permit for well construction that is pending
5 approval on June 30, 2008; and

6 (2) A permit for the installation of pumps or pumping
7 equipment that is pending approval on June 30, 2008, or
8 is for a well existing on June 30, 2008.

9 SECTION 3. As used in this Act:

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

12 "Commission" means the commission on water resource
13 management.

14 "Domestic use" means the same as defined under section
15 174C-3, Hawaii Revised Statutes.

16 "Important agricultural land" means the same as defined
17 under section 205-42, Hawaii Revised Statutes.

18 "Installation of pumps and pumping equipment" for a well
19 means the same as defined under section 174C-81, Hawaii Revised
20 Statutes.

21 "Termination date" means the date on which the first
22 designation of "important agricultural land" is made by the land



1 use commission under part III of chapter 205, Hawaii Revised
2 Statutes.

3 "Well construction" means the same as defined under section
4 174C-81, Hawaii Revised Statutes.

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



Report Title:

Well Construction Permits; Moratorium

Description:

Establishes a moratorium on the issuance of permits for well construction on certain agricultural lands. (HB2355 HD1)

