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A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1 SECTION 1. Section 205-45, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Any law to the contrary notwithstanding, within the  
4 same petition for declaratory order as described in subsection  
5 (a), the petitioner may seek a reclassification of land in the  
6 agricultural district to the rural, urban, or conservation  
7 district, or a combination thereof; provided that:

8 (1) The land sought to be reclassified to the rural,  
9 urban, or conservation district is [~~within the same~~  
10 ~~county~~] on the same island as the land sought to be  
11 designated as important agricultural lands;

12 (2) If the reclassification of the land is proposed to the  
13 urban district, that reclassification to urban is  
14 consistent with the relevant county general and  
15 community, development, or community development  
16 plans; and

1           (3) The total acreage of the land sought to be designated  
2                    or reclassified in the petition complies with the  
3                    following proportions:

4            (A) At least eighty-five per cent of the total acreage  
5                    is sought to be designated as important  
6                    agricultural land; and

7            (B) The remainder of the acreage is sought to be  
8                    reclassified to the rural, urban, or conservation  
9                    district."

10           SECTION 2. Section 205-45, Hawaii Revised Statutes, is  
11 amended by amending subsection (e) to read as follows:

12           "(e) The commission shall review the petition and the  
13 accompanying submissions to evaluate the qualifications of the  
14 land for designation as important agricultural lands in  
15 accordance with section 205-44.

16           If the [~~petition~~] petitioner also seeks the  
17 reclassification of land to the rural, urban, or conservation  
18 district, the commission shall review the petition and  
19 accompanying submissions to evaluate:

20           (1) The suitability of the land for the reclassification  
21                    in accordance with [~~section 205-2;~~] sections 205-2 and  
22                    205-17;

1           (2) If the reclassification of the land is proposed to the  
2           urban district, that reclassification to urban is  
3           consistent with the relevant county general and  
4           community, development, or community development  
5           plans; and

6           (3) Compliance with the other provisions of subsection  
7           (b).

8           If the commission, after its review, finds that the  
9           designation and, if applicable, reclassification sought in the  
10          petition should be approved, the commission shall vote, by a  
11          two-thirds majority of the members of the commission, to issue a  
12          declaratory order designating the petitioner's identified lands  
13          as important agricultural [~~land~~] lands and, if applicable,  
14          reclassifying the petitioner's identified lands from the  
15          agricultural district to the rural, urban, or conservation  
16          district. The commission may include reasonable conditions in  
17          the declaratory order[~~-~~] that shall run with the land.

18          With respect to a petition that seeks to both designate  
19          important agricultural lands and reclassify agricultural lands  
20          to the rural, urban, or conservation district, if the commission  
21          finds that either the designation or reclassification as

H.B. NO. 1047

1 proposed by the petitioner should not be approved, the  
2 commission shall deny the petition in its entirety."

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

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

7  
8 INTRODUCED BY: \_\_\_\_\_

*Calvin K. Day*

9 BY REQUEST

JAN 26 2009

**Report Title:**

Important Agricultural Lands

**Description:**

Amends section 205-45, Hawaii Revised Statutes, to ensure that all lands to be designated or reclassified under subsection (b) shall be on the same island; and amends subsection (e) to add that the commission shall evaluate the suitability of the land for reclassification in accordance with sections 205-2 and 205-17, Hawaii Revised Statutes, and that conditions imposed by the commission in the declaratory order shall run with the land.

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and  
Tourism/Office of Planning

TITLE: A BILL FOR AN ACT RELATING TO IMPORTANT  
AGRICULTURAL LANDS.

PURPOSE: To make housekeeping changes to the  
Important Agricultural Lands (IAL)  
designation and reclassification process in  
section 205-45, Hawaii Revised Statutes.

MEANS: Amend section 205-45(b) and (e), Hawaii  
Revised Statutes (HRS).

JUSTIFICATION: Section 205-45, HRS, provides for  
designation of important agricultural lands  
and reclassification of agricultural lands  
to the urban, rural, and conservation  
districts by declaratory order of the state  
Land Use Commission.

All lands proposed for designation and  
reclassification in one petition should be  
on the same island to maintain the ratio of  
85 percent IAL and 15 percent other  
districts on each island.

Sections 205-2 and 205-17, HRS, provide the  
Land Use Commission with standards and  
criteria to consider in reclassifying land  
from one district to another. Land  
evaluated by the Commission as part of a  
petition for a declaratory order designating  
IAL should be evaluated using the same  
criteria and standards as lands proposed for  
reclassification without a designation of  
IAL to ensure that lands reclassified will  
be suitable for the activities and uses  
being proposed.

Impact on the public: There will be a  
positive impact on the public because the  
Land Use Commission will apply the same  
standards and criteria in evaluating the

suitability of land for urban, rural, and conservation uses in considering proposed reclassification of land.

Impact on the department and other agencies:  
There will be no additional cost or staffing required by these amendments.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED 144.

OTHER AFFECTED  
AGENCIES: Land Use Commission, county planning departments.

EFFECTIVE DATE: Upon approval.