
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 as follows:

3 1. By amending subsection (b) to read:

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

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

13 (2) If the reclassification of the land is proposed to the
14 urban district, that reclassification to urban is
15 consistent with the relevant county general and
16 community, development, or community development
17 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
5 acreage 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 2. By amending subsection (e) to read:

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

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

19 (1) The suitability of the land for the reclassification
20 in accordance with [~~section 205-27~~] sections 205-2 and
21 205-17;



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 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



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

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Important Agricultural Lands

Description:

In a petition for a declaratory order for IAL designation: (1) Requires the agricultural land seeking reclassification to be on the same island as the IAL; and (2) Requires the LUC to evaluate the petition using its general-application decision-making criteria. Requires any conditions imposed by the LUC in the declaratory order to run with the land. (HB1047 HD1)

