
A BILL FOR AN ACT

RELATING TO AGRICULTURAL WATER SYSTEMS.

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

1 SECTION 1. The Hawaii Constitution mandates that the State
2 conserve and protect agricultural lands, promote diversified
3 agriculture, increase agricultural self-sufficiency, and assure
4 the availability of agriculturally suitable lands. The most
5 valuable agricultural lands are lands that are irrigated.

6 With the ending of sugarcane and pineapple production, many
7 of the irrigation systems developed by the plantations, such as
8 the Waiahole Irrigation System and the Kekaha Irrigation System,
9 have been taken over by the State. Currently, however,
10 conveyance of an irrigation system to the State requires the
11 subdivision of the land being conveyed as part of the system.

12 Reported Hawaii supreme court cases, including *Whitlow v.*
13 *Jennings*, 40 Haw. 523 (1954), have recognized that transactions
14 involving lots that have not been approved by the county
15 pursuant to subdivision laws or county ordinances may be
16 unenforceable. Unfortunately, the process of obtaining county,
17 state, and land court approval of subdivision and easement maps



1 is relatively time-consuming and often requires more than one
2 year to complete.

3 The goal of this bill is to facilitate the gifting of
4 irrigation systems to the department of agriculture while
5 ensuring that the assets of the system being conveyed are
6 adequately described and recorded, and that notice of the
7 conveyance be given to the appropriate county.

8 SECTION 2. Chapter 167, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§167- Agricultural water systems; acquisition. (a) The
12 board may acquire or contract to acquire by grant, purchase,
13 gift, or other devise the real, personal, or mixed property of
14 an agricultural water system to provide water for irrigation of
15 agricultural lands.

16 (b) The owner of an agricultural water system to be
17 acquired pursuant to subsection (a) shall provide to the board a
18 description of the system sufficient to identify the property
19 being acquired, including a map and metes and bounds description
20 of the land, and other information required for recording or
21 filing under chapters 501 or 502, whichever may apply.

22 Conveyance of agricultural water system property to the board



1 shall be exempt from county subdivision requirements; provided
2 that no additional lots of record are created and the division
3 of land is solely for the purpose of identifying the
4 agricultural water system being conveyed to the board.

5 (c) The board shall give notice of the conveyance of the
6 property to the county in which the agricultural water system is
7 located. The notice shall include a map and the metes and
8 bounds description of the land conveyed as part of the system.


9 (d) The land court, bureau of conveyances, and other
10 governmental agencies shall accept for filing and recording all
11 instruments and maps pertaining to conveyances authorized
12 pursuant to this section."

13 SECTION 3. New statutory material is underscored.

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

15

INTRODUCED BY:



JAN 25 2010



Report Title:

Agricultural Water Systems; Conveyance to State; Subdivision

Description:

Exempts conveyances of agricultural water systems to Board of Agriculture from subdivision requirements; requires notice of conveyance to applicable county.

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