

JAN 26 2011

S.B. NO. 1152

A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1 SECTION 1. The legislature finds that the enactment of the
2 important agricultural lands law in 2005 and the important
3 agricultural lands incentives law in 2008 represent the core of
4 the State's commitment to achieving the mandate of article XI,
5 section 3, of the Constitution of the State of Hawaii that
6 provides, among other things, that "[t]he State shall conserve
7 and protect agricultural lands, promote diversified agriculture,
8 increase agricultural self-sufficiency and assure the
9 availability of agriculturally suitable lands."

10 Over the past two years, more than thirty thousand acres of
11 some of the best agricultural lands in the State have been
12 designated by the land use commission as important agricultural
13 lands. These designations were done pursuant to section 205-45,
14 Hawaii Revised Statutes, which provides for landowners and
15 farmers to voluntarily petition for the important agricultural
16 lands designation. In the past few months, two other
17 significant petitions for important agricultural lands
18 designation have been filed with the land use commission by



1 owners of agricultural land. Upon designation as important
2 agricultural lands, owners and farmers of the property have
3 access to important agricultural lands incentives. Incentives
4 include a qualified agricultural cost tax credit, the
5 development and construction of farm dwellings and employee
6 housing, a guaranty for agriculture and aquaculture operations
7 and capital improvement loans, and a transferable development
8 credit equivalent to fifteen per cent of the land area
9 designated important agricultural lands that may be used in any
10 area within the same county and in consonance with the
11 applicable county land use plan.

12 The legislature finds that the voluntary petition for
13 important agricultural lands designation is only part of the
14 effort necessary to fully carry out the important agricultural
15 lands law. The counties have the responsibility to identify and
16 map potential important agricultural lands pursuant to section
17 205-47, Hawaii Revised Statutes. The legislature provided
18 initial funding to the counties by appropriating the sum of
19 \$75,000 for grants-in-aid to the counties for the identification
20 and mapping of important agricultural lands. The \$75,000 was
21 reportedly encumbered to do a pilot study that resulted in the
22 development of a methodology to identify potential important



1 agricultural lands in the Koloa-Poipu district of Kauai.
2 However, because the appropriation was disbursed directly to the
3 counties, the condition that the counties complete their mapping
4 and reports and submit them to the land use commission within
5 sixty months was not triggered.

6 County participation in identifying potential important
7 agricultural lands is fundamental to the further advancement of
8 the important agricultural lands law. Protecting and conserving
9 important agricultural lands and related resources and promoting
10 their use in agricultural production comprise much of the
11 foundation upon which the State's initiatives in food and energy
12 security are being established.

13 The purpose of this Act is to provide funding to the
14 counties to identify potential important agricultural lands and
15 provide reports and maps that identify important agricultural
16 lands in accordance with section 205-47, Hawaii Revised
17 Statutes.

18 SECTION 2. Act 183, Session Laws of Hawaii 2005, is
19 amended by amending section 7 to read as follows:

20 "SECTION 7. Each county shall submit its report and maps
21 with recommendations for lands eligible for designation as
22 important agricultural lands to the land use commission no later



1 than [~~sixty~~] thirty-six months from the date of county receipt
2 of state funds appropriated by this Act for the identification
3 process. Upon receipt of the county reports and maps, the land
4 use commission shall review and adopt maps designating important
5 agricultural lands to the State in accordance with section 205-
6 I."

7 SECTION 3. Each county shall submit a report and maps with
8 recommendations for lands eligible for designation as important
9 agricultural lands to the land use commission no later than
10 thirty-six months from the date of county receipt of state funds
11 appropriated by this Act for the identification process but no
12 later than June 30, 2014. Upon receipt of the county reports
13 and maps, the land use commission shall review and adopt maps
14 designating important agricultural lands to the State in
15 accordance with section 205-49, Hawaii Revised Statutes.

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$500,000, or so much
18 thereof as may be necessary for fiscal year 2011-2012, for
19 grants-in-aid to the counties, equally allocated, for the
20 identification and mapping of important agricultural lands
21 pursuant to section 205-47, Hawaii Revised Statutes.



1 The sum appropriated shall be expended by the counties for
2 the purpose of this Act.

3 SECTION 5. The land use commission shall submit an annual
4 report on the progress of the counties in identifying and
5 mapping important agricultural lands to the legislature no later
6 than twenty days before the convening of the regular sessions of
7 2012 through 2015.

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 2011.

11

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Report Title:

Important Agricultural Lands; Counties; Appropriation; LUC

Description:

Appropriates funds to the counties for identifying important agricultural lands. Requires counties to submit maps and reports to the LUC no later than 12/31/14. Requires annual reports to the legislature by the LUC on the counties' progress.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

