

JAN 26 2011

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 article XI,
2 section 3 of the Hawaii State Constitution declares, "The State
3 shall conserve and protect agricultural lands, promote
4 diversified agriculture, increase agricultural self-sufficiency
5 and assure the availability of agriculturally suitable lands".
6 The legislature also finds that certain provisions in the Hawaii
7 Revised Statutes are contrary to the policy set forth in article
8 XI, section 3 of the Hawaii State Constitution.

9 The purpose of this Act is to delete provisions in the
10 Hawaii Revised Statutes that are inconsistent with the Hawaii
11 State Constitution's policy of conservation and protection of
12 agricultural land.

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

15 "(b) Any law to the contrary notwithstanding, within the
16 same petition for declaratory order as described in subsection
17 (a), the petitioner may seek a reclassification of land in the



1 agricultural district to the rural, urban, or conservation
2 district, or a combination thereof; provided that:

3 (1) The land sought to be reclassified to the rural,
4 urban, or conservation district is within the same
5 county as the land sought to be designated as
6 important agricultural lands; and

7 (2) If the reclassification of the land is proposed to the
8 urban district, that reclassification to urban is
9 consistent with the relevant county general and
10 community, development, or community development
11 plans [~~and~~

12 ~~(3) The total acreage of the land sought to be designated~~
13 ~~or reclassified in the petition complies with the~~
14 ~~following proportions:~~

15 ~~(A) At least eighty-five per cent of the total~~
16 ~~acreage is sought to be designated as important~~
17 ~~agricultural land; and~~

18 ~~(B) The remainder of the acreage is sought to be~~
19 ~~reclassified to the rural, urban, or conservation~~
20 ~~district]."~~

21 SECTION 3. Section 205-49, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



1 "(a) After receipt of the maps of eligible important
2 agricultural lands from the counties and the recommendations of
3 the department of agriculture and the office of planning, the
4 commission shall then proceed to identify and designate
5 important agricultural lands, subject to section 205-45. The
6 decision shall consider the county maps of eligible important
7 agricultural lands; declaratory orders issued by the commission
8 designating important agricultural lands during the three year
9 period following the enactment of legislation establishing
10 incentives and protections contemplated under section 205-46, as
11 provided in section 9 of Act 183, Session Laws of Hawaii 2005;
12 landowner position statements and representations; and any other
13 relevant information.

14 In designating important agricultural lands in the State,
15 pursuant to the recommendations of individual counties, the
16 commission shall consider the extent to which:

- 17 (1) The proposed lands meet the standards and criteria
18 under section 205-44;
- 19 (2) The proposed designation is necessary to meet the
20 objectives and policies for important agricultural
21 lands in sections 205-42 and 205-43; and



1 (3) The commission has designated lands as important
2 agricultural lands, pursuant to section 205-45[+
3 ~~provided that if the majority of landowners'~~
4 ~~landholdings is already designated as important~~
5 ~~agricultural lands, excluding lands held in the~~
6 ~~conservation district, pursuant to section 205-45 or~~
7 ~~any other provision of this part, the commission shall~~
8 ~~not designate any additional lands of that landowner~~
9 ~~as important agricultural lands except by a petition~~
10 ~~pursuant to section 205-45].~~

11 Any decision regarding the designation of lands as
12 important agricultural lands and the adoption of maps of those
13 lands pursuant to this section shall be based upon written
14 findings of fact and conclusions of law, presented in at least
15 one public hearing conducted in the county where the land is
16 located in accordance with chapter 91, that the subject lands
17 meet the standards and criteria set forth in section 205-44 and
18 shall be approved by two-thirds of the membership to which the
19 commission is entitled."

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

22



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

2

INTRODUCED BY:

W.D.M. B.N.



Report Title:

Important Agricultural Lands; Land Use Commission; Land Use

Description:

Deletes provision that allows a farmer or landowner to designate up to fifteen per cent of the landowner's property in the agricultural district as urban, rural, or conservation land; removes restriction that prevents the land use commission from designating land as important agricultural land if the majority of the landowner's holdings are already designated as important agricultural land.

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

