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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Section 663-10.99, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) For purposes of this section, unless the context  
4 otherwise requires:

5 "Agricultural land" means [any]:

6 (1) Any land in excess of four acres used primarily for a  
7 farming operation, as defined in section 165-2 [~~+~~  
8 ~~provided that the term shall include~~], including land  
9 used for farm buildings [~~and~~], dwellings, [~~and~~] roads,  
10 and irrigation infrastructure associated with the  
11 agricultural land[~~-~~]; or

12 (2) Any land under or equal to four acres used primarily  
13 for a farming operation, as defined in section 165-2,  
14 that produces a demonstrated annual taxable revenue in  
15 excess of \$100,000 from farming operations, including  
16 land used for farm buildings, roads, and irrigation  
17 infrastructure associated with the agricultural land.



1 "Fallow" means land associated with agricultural production  
2 that is left unseeded or unplanted for one or more growing  
3 seasons.

4 "Owner" means the possessor of a fee interest, a tenant,  
5 lessee, occupant, or person, group, club, partnership, family,  
6 organization, entity, or corporation that is in control,  
7 possession, or use of the land, and their members, agents,  
8 partners, representatives, shareholders, and employees.

9 "Trespasser" means a person who enters or remains  
10 unlawfully on [~~the~~] agricultural land without the permission of  
11 the owner [~~and~~], where the lands:

12 (1) Are fenced, enclosed, secured in a manner designed to  
13 exclude the general public, or marked by a structure  
14 or barrier, including a cattle grid, cattle grate, or  
15 other obstacle used to secure livestock;

16 (2) Have a sign or signs displayed on the land that are  
17 sufficient to give reasonable notice and that read [~~as~~  
18 ~~follows~~]: "No Trespassing" or a substantially similar  
19 message; provided that the sign or signs shall consist  
20 of letters not less than two inches in height and  
21 shall be placed at reasonable intervals along the  
22 boundary line of the land and at roads and trails



1 entering the land in a manner and position as to be  
 2 clearly noticeable from outside the boundary line; or  
 3 (3) At the time of entry, are fallow or have a visible  
 4 presence or evidence of livestock-raising, such as  
 5 cattle, horses, water troughs, shelters, or paddocks,  
 6 or a crop:  
 7 (A) Under cultivation;  
 8 (B) In the process of being harvested; or  
 9 (C) That has been harvested."

10 SECTION 2. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.  
 13

INTRODUCED BY: [Signature]

~~S.C. Fair Age~~

[Signature]

[Signature]

Mary B. Lee

Cindy Erum

Della A. Belatti

[Signature]

[Signature]

[Signature]

Tom Brown

Mele Carnell

[Signature]

[Signature]



# H.B. NO. 2860

**Report Title:**

Agricultural Land; Definition

**Description:**

Expands the definition of "agricultural land" to include properties under or equal to four acres that are used primarily for farming operations that produce an annual taxable revenue in excess of \$100,000.

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