

JAN 24 2013

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# A BILL FOR AN ACT

RELATING TO THE PROTECTION OF TARO-GROWING SYSTEMS.

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

1           SECTION 1. The legislature finds that as the highest  
2 yielding local starch crop in the State, taro plays a critical  
3 role in Hawaii's current and future food self-sufficiency. Oahu  
4 retains the smallest remaining acreage in productive and fallow  
5 taro lands in the State due to the intensity of development and  
6 urbanization, much of which has occurred at the expense of good  
7 taro lands.

8           In 2010, the taro security and purity task force,  
9 established under Act 211, Session Laws of Hawaii 2008, reported  
10 to the legislature that ancient taro lands and agricultural  
11 field structures, including lo'i (wet fields and terraces), mala  
12 (dry fields and terraces), kuauna or paepae pohaku (stone  
13 walls), and 'auwai (irrigation ditches), which form the key  
14 structural elements for viable taro production, were being  
15 destroyed, built upon and severed by private and public  
16 development due to gaps in existing state land use, historic  
17 preservation, and planning laws and policies.



1           The legislature further finds that language that supports  
2 prime and diversified agriculture is insufficient to protect  
3 taro lands for future use. Existing state and county incentives  
4 also failed to encourage state or private landowner protection  
5 and rehabilitation, specifically for ancient taro  
6 infrastructures or taro lands in general on Oahu.

7           The purpose of this Act is to improve protections for taro  
8 lands and ancient Hawaiian agricultural structures on Oahu on  
9 state owned or acquired lands.

10           SECTION 2. Section 206-7, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§206-7 Property which shall not be acquired for**  
13 **development projects.** In declaring development areas, and  
14 acquiring land therein, the board of land and natural resources  
15 shall avoid disturbing existing uses which are in accord with  
16 the highest use permitted under any existing zoning ordinance in  
17 the political subdivision concerned. The board shall not  
18 disturb existing taro-growing systems and ancient taro lands and  
19 structural elements of ancient taro-growing systems.

20           The board shall not acquire for development projects:

- 21           (1) Lands already developed and improved as business or  
22           industrial areas where use of the lands for



1 residential purposes or as a part of a development  
2 project would be economically unsound or where an  
3 undue hardship would be suffered by the community  
4 through loss of service because of the acquisition;

5 (2) Lands already in use for residential purposes by the  
6 owner thereof or by a lessee holding a lease with an  
7 original term of twenty years or more, except where  
8 the acquisition of parts of the lands is reasonably  
9 necessary for the proper development of a project, but  
10 in no case shall any part of the lands be taken where  
11 the taking will reduce the parcel to less than three  
12 acres in extent;

13 (3) Lands in the process of subdivision and development  
14 where the owner or the owner's agent has provided that  
15 at least fifty per cent of the lots to be sold shall  
16 be sold in fee simple, prepared subdivision and  
17 construction plans, arranged for financing, and  
18 applied to government agencies and otherwise taken  
19 such steps as may be appropriate for the construction  
20 of the proposed development in good faith and filed an  
21 affidavit with the board to that effect;



1           (4) Lands used or to be used as sites for churches,  
2           private or parochial schools, clubs, meeting houses,  
3           other private uses of a community, civic, social, or  
4           religious nature; or

5           (5) Lands and infrastructures used or to be used for taro  
6           growing, including ancient taro lands and structural  
7           elements of ancient taro-growing systems;

8 provided that portions of the lands mentioned under paragraphs  
9 ~~(1) [ , (2), (3), and (4) of this section, ]~~ to (5), or interests  
10 therein, may be taken to provide access and utility easements  
11 where no other reasonable means of access or utility easements  
12 are available.

13           In acquiring agricultural land for a development project,  
14 where the land though used for agricultural purposes is not  
15 being used in accord with the highest use permitted under any  
16 existing zoning ordinance, the board shall exercise all  
17 reasonable care not to jeopardize the agricultural enterprise  
18 concerned. If, however, the board finds that the land is  
19 necessary for a development project, it may provide assistance,  
20 monetary or otherwise, in relocating the enterprise elsewhere or  
21 pay such damages to the owner or operator of such enterprise as  
22 will reasonably compensate the owner or operator for the owner's



1 or operator's loss, if the owner or operator has not already  
2 been so compensated under a lease agreement, or both."

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

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

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INTRODUCED BY:

~~AS. Rich Ag~~

Kali Gill

Matt

Randy de Bob

Michelle Anderson

Paul Paul

[Signature]

Jim



# S.B. NO. 1269

**Report Title:**

Taro; Land; Protection

**Description:**

Protects existing and ancient taro-growing systems and lands from being acquired for development projects.

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

