
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 PART I

2 SECTION 1. The legislature finds that supporting local
3 agriculture is a strategic public investment that will build
4 community resilience and strengthen the productive base of the
5 economy. The current lack of young farmers and ranchers with
6 the experience, skills, and ambition to undertake the rigorous
7 and complex work of farming and ranching as a business poses a
8 significant hurdle to revitalizing local agriculture. To
9 address this problem, the legislature finds that rebuilding
10 existing programs that educate, support, and encourage youth for
11 agricultural careers, specifically Future Farmers of America and
12 4-H programs, is a timely and efficient means of achieving
13 community resilience and sustainability.

14 SECTION 2. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2013-2014 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2014-2015 for the implementation and operation of the Future



1 Farmers of America and 4-H programs to educate and support youth
2 in agricultural careers; provided that the funds shall be
3 apportioned between the Future Farmers of America and 4-H
4 programs as the department of education deems appropriate.

5 The sums appropriated shall be expended by the department
6 of education for the purposes of this part.

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so much
9 thereof as may be necessary for fiscal year 2013-2014 and the
10 same sum or so much thereof as may be necessary for fiscal year
11 2014-2015 for the University of Hawaii, college of tropical
12 agriculture and human resources, to implement and operate the
13 Future Farmers of America and 4-H programs to educate and
14 support youth in agricultural careers; provided that the funds
15 shall be apportioned between the Future Farmers of America and
16 4-H programs as the University of Hawaii deems appropriate.

17 The sums appropriated shall be expended by the University
18 of Hawaii for the purposes of this part.

19 PART II

20 SECTION 4. The legislature finds that taro lands are
21 essential as culturally important agricultural lands for
22 Hawaii's future food security, representing the smallest portion



1 of agricultural lands but the highest-yielding staple food crop
2 acreage in the State. The legislature also finds that the taro
3 security and purity task force established under Act 211,
4 Session Laws of Hawaii 2008, in its 2010 legislative report
5 titled, *E ola hou ke kalo; ho'i hou ka 'āina lē'ia: The taro*
6 *lives; abundance returns to the land*, recommended improved
7 protections for taro-growing lands, including lo'i (wet fields
8 and terraces), mala (dry fields and terraces), kuana or paepae
9 pohaku (stone walls), and 'auwai (irrigation ditches). The task
10 force found that these key structural elements for viable taro
11 production represent the fastest dwindling subset of
12 agricultural land, as the lands are destroyed, severed, and
13 built upon by private and public development because of gaps in
14 land use, historic preservation, and planning laws and policies.
15 Current department of agriculture class designations for
16 intensive agricultural lands do not adequately recognize
17 productive taro lands or protect them for future use. Existing
18 policies do not encourage state or private landowners to protect
19 or rehabilitate ancient taro infrastructure.

20 The purpose of this part is to improve protections for taro
21 lands and ancient agricultural structures.



1 SECTION 5. Section 171-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Taro lands" means any lands in wetland taro cultivation
5 prior to statehood, or any traditional taro lands that retain
6 historic structural evidence of lo'i kalo, for example, 'auwai
7 irrigation ditches, terraces, or walls."

8 SECTION 6. Section 171-10, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§171-10 Classes of lands.** The board of land and natural
11 resources shall classify all public lands and in doing so be
12 guided by the following classifications:

13 1. Intensive agricultural use

14 (A) First class--Lands highly productive of intensive
15 crops, such as sugarcane, pineapples, truck crops, and orchard
16 crops.

17 (B) Second class--Lands having medium productivity for
18 intensive crops.

19 (C) Third class--Lands having fair to marginal
20 productivity for intensive crops.

21 (T) Fourth class--Taro lands. This class does not make a
22 determination of productivity and recognizes the cultural,



1 social, economic, and food self-sufficiency value of preserving
2 traditional taro lands for wetland cultivation.

3 2. Special livestock use

4 (A) First class--Lands highly suitable for special
5 livestock uses, such as swine, dairy, and poultry production.
6 In making the determination, consideration shall be given to
7 drainage, climate, topography, proximity to market, and
8 transportation and compatibility to adjoining land use, among
9 other considerations. "Dairy" as used for disposition purposes
10 means a "dry lot" dairy without allowance for grazing.

11 (B) Second class--Lands suitable for special livestock
12 uses, but inferior to those of first class.

13 3. Pasture use

14 (A) First class--Lands having a potentially high economic
15 animal unit carrying capacity and capable of correspondingly
16 high liveweight gains per acre per year, such as, less than five
17 acres per animal unit per year and more than one hundred pounds
18 live beef gains per animal unit per acre per year.

19 (B) Second class--Lands having a potentially medium
20 economic animal unit carrying capacity and capable of moderate
21 liveweight gains per acre per year, such as, five to twenty



1 acres per animal unit per year and twenty to one hundred pounds
2 live beef gains per animal unit per acre per year.

3 (C) Third class--Lands having a relatively low animal unit
4 carrying capacity and producing correspondingly low liveweight
5 gains per acre per year, such as, more than twenty acres per
6 animal unit per year and less than twenty pounds average live
7 beef gains per animal unit per acre per year.

8 4. Commercial timber use

9 (A) First class--Lands of high suitability for growth of
10 merchantable timber having mean annual growth potential under
11 normal forest management practices with yields exceeding amounts
12 such as one thousand board feet per acre, and with location and
13 terrain presenting favorable logging, transportation, and
14 marketing conditions.

15 (B) Second class--Lands of high suitability for growth of
16 merchantable timber having mean annual growth potential under
17 normal forest management practices with yields exceeding amounts
18 such as one thousand board feet per acre, and with location and
19 terrain presenting less favorable logging, transportation, and
20 marketing conditions.

21 (C) Third class--Lands of medium suitability for growth of
22 merchantable timber having mean annual growth potential in



1 amounts such as five hundred to one thousand board feet per acre
2 under normal forest management practices, and with location and
3 terrain presenting favorable logging, transportation, and
4 marketing conditions.

5 (D) Fourth class--Lands of medium suitability for growth
6 of merchantable timber having mean annual growth potential in
7 amounts such as five hundred to one thousand board feet per acre
8 under normal forest management practices, and with location and
9 terrain presenting less favorable logging, transportation, and
10 marketing conditions.

11 (E) Fifth class--Lands of relatively low suitability for
12 growth of merchantable timber having mean annual growth
13 potential less than an amount such as five hundred board feet
14 per acre, and with location and terrain presenting favorable
15 logging, transportation, and marketing conditions.

16 (F) Sixth class--Lands of relatively low suitability for
17 growth of merchantable timber having mean annual growth
18 potential less than an amount such as five hundred board feet
19 per acre, and with location and terrain presenting less
20 favorable logging, transportation, and marketing conditions.



1 5. Quarry use

2 Lands having sufficient quantity and quality of rock,
3 gravel, and sand for purpose of commercial use.

4 6. Mining use

5 Lands bearing sufficient quantity and quality of mineral
6 products for purpose of commercial mining and use.

7 7. Recreational use

8 Lands suitable for use and development as parks,
9 playgrounds, historical sites, natural area, camp grounds,
10 wildlife refuge, scenic sites, and other such uses.

11 8. Watershed use

12 Lands suitable for the use and development as watersheds or
13 for the development of water, and requiring necessary
14 restrictions on other uses.

15 9. Residential use

16 Lands suitable and economically feasible for residential
17 development and use.

18 10. Commercial and industrial use

19 Lands suitable and economically feasible for commercial and
20 industrial development and use.



1 11. Hotel, apartment, and motel use

2 Lands suitable and economically feasible for hotel,
3 apartment, and motel development and use.

4 12. Resort use

5 Lands suitable and economically feasible for resort
6 development and use.

7 13. Unclassified uses

8 Lands not otherwise classifiable under the foregoing
9 sections."

10 SECTION 7. Section 205-3.5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Any decision approving a petition for a boundary
13 amendment pursuant to this chapter where lands in the petition
14 area are contiguous or adjacent to lands in the agricultural
15 district, shall include the following conditions in the decision
16 granting approval:

17 (1) A prohibition on any action that would interfere with
18 or restrain farming operations[+], including blockage,
19 disturbance, or destruction of traditional 'auwai
20 irrigation ditches that may cross property boundaries;
21 provided the farming operations are conducted in a
22 manner consistent with generally accepted agricultural



1 and management practices on adjacent or contiguous
2 lands in the agricultural district; and
3 (2) Notification to all prospective developers or
4 purchasers of land or interest in land in the petition
5 area and subsequent notification to lessees or tenants
6 of the land, that farming operations and practices on
7 adjacent or contiguous land in the agricultural
8 district are protected under chapter 165, the Hawaii
9 right to farm act, and that the notice shall be
10 included in any disclosure required for the sale or
11 transfer of real property or any interest in real
12 property."

13 SECTION 8. Section 205-4.5, Hawaii Revised Statutes, is
14 amended by amending subsections (a) and (b) to read as follows:

15 "(a) Within the agricultural district, all lands with soil
16 classified by the land study bureau's detailed land
17 classification as overall (master) productivity rating class A
18 or B, or classified as 1.(T), fourth class--taro lands, pursuant
19 to section 171-10, shall be restricted to the following
20 permitted uses:



- 1 (1) Cultivation of crops, including crops for bioenergy,
2 flowers, vegetables, foliage, fruits, forage, and
3 timber;
- 4 (2) Game and fish propagation;
- 5 (3) Raising of livestock, including poultry, bees, fish,
6 or other animal or aquatic life that are propagated
7 for economic or personal use;
- 8 (4) Farm dwellings, employee housing, farm buildings, or
9 activities or uses related to farming and animal
10 husbandry. "Farm dwelling", as used in this
11 paragraph, means a single-family dwelling located on
12 and used in connection with a farm, including clusters
13 of single-family farm dwellings permitted within
14 agricultural parks developed by the State, or where
15 agricultural activity provides income to the family
16 occupying the dwelling;
- 17 (5) Public institutions and buildings that are necessary
18 for agricultural practices;
- 19 (6) Public and private open area types of recreational
20 uses, including day camps, picnic grounds, parks, and
21 riding stables, but not including dragstrips,



- 1 airports, drive-in theaters, golf courses, golf
2 driving ranges, country clubs, and overnight camps;
- 3 (7) Public, private, and quasi-public utility lines and
4 roadways, transformer stations, communications
5 equipment buildings, solid waste transfer stations,
6 major water storage tanks, and appurtenant small
7 buildings, such as booster pumping stations, but not
8 including offices or yards for equipment, material,
9 vehicle storage, repair or maintenance, treatment
10 plants, corporation yards, or other similar
11 structures;
- 12 (8) Retention, restoration, rehabilitation, or improvement
13 of buildings, walls, terraces, and supporting
14 structures for lo'i taro fields or sites of historic or
15 scenic interest;
- 16 (9) Agricultural-based commercial operations as described
17 in section [+]205-2(d)(15)[+];
- 18 (10) Buildings and uses, including mills, storage, and
19 processing facilities, maintenance facilities,
20 photovoltaic, biogas, and other small-scale renewable
21 energy systems producing energy solely for use in the
22 agricultural activities of the fee or leasehold owner



1 of the property, and vehicle and equipment storage
2 areas that are normally considered directly accessory
3 to the above-mentioned uses and are permitted under
4 section 205-2(d);

5 (11) Agricultural parks;

6 (12) Plantation community subdivisions, which as used in
7 this chapter means an established subdivision or
8 cluster of employee housing, community buildings, and
9 agricultural support buildings on land currently or
10 formerly owned, leased, or operated by a sugar or
11 pineapple plantation; provided that the existing
12 structures may be used or rehabilitated for use, and
13 new employee housing and agricultural support
14 buildings may be allowed on land within the
15 subdivision as follows:

16 (A) The employee housing is occupied by employees or
17 former employees of the plantation who have a
18 property interest in the land;

19 (B) The employee housing units not owned by their
20 occupants shall be rented or leased at affordable
21 rates for agricultural workers; or



1 (C) The agricultural support buildings shall be
2 rented or leased to agricultural business
3 operators or agricultural support services;

4 (13) Agricultural tourism conducted on a working farm, or a
5 farming operation as defined in section 165-2, for the
6 enjoyment, education, or involvement of visitors;
7 provided that the agricultural tourism activity is
8 accessory and secondary to the principal agricultural
9 use and does not interfere with surrounding farm
10 operations; and provided further that this paragraph
11 shall apply only to a county that has adopted
12 ordinances regulating agricultural tourism under
13 section 205-5;

14 (14) Agricultural tourism activities, including overnight
15 accommodations of twenty-one days or less, for any one
16 stay within a county; provided that this paragraph
17 shall apply only to a county that includes at least
18 three islands and has adopted ordinances regulating
19 agricultural tourism activities pursuant to section
20 205-5; provided further that the agricultural tourism
21 activities coexist with a bona fide agricultural
22 activity. For the purposes of this paragraph, "bona



1 fide agricultural activity" means a farming operation
2 as defined in section 165-2;

3 (15) Wind energy facilities, including the appurtenances
4 associated with the production and transmission of
5 wind generated energy; provided that the wind energy
6 facilities and appurtenances are compatible with
7 agriculture uses and cause minimal adverse impact on
8 agricultural land;

9 (16) Biofuel processing facilities, including the
10 appurtenances associated with the production and
11 refining of biofuels that is normally considered
12 directly accessory and secondary to the growing of the
13 energy feedstock; provided that biofuels processing
14 facilities and appurtenances do not adversely impact
15 agricultural land and other agricultural uses in the
16 vicinity.

17 For the purposes of this paragraph:

18 "Appurtenances" means operational infrastructure
19 of the appropriate type and scale for economic
20 commercial storage and distribution, and other similar
21 handling of feedstock, fuels, and other products of
22 biofuel processing facilities.



1 "Biofuel processing facility" means a facility
2 that produces liquid or gaseous fuels from organic
3 sources, such as biomass crops, agricultural residues,
4 and oil crops, including palm, canola, soybean, and
5 waste cooking oils; grease; food wastes; and animal
6 residues and wastes that can be used to generate
7 energy;

8 (17) Agricultural-energy facilities, including
9 appurtenances necessary for an agricultural-energy
10 enterprise; provided that the primary activity of the
11 agricultural-energy enterprise is agricultural
12 activity. To be considered the primary activity of an
13 agricultural-energy enterprise, the total acreage
14 devoted to agricultural activity shall be not less
15 than ninety per cent of the total acreage of the
16 agricultural-energy enterprise. The agricultural-
17 energy facility shall be limited to lands owned,
18 leased, licensed, or operated by the entity conducting
19 the agricultural activity.

20 As used in this paragraph:

21 "Agricultural activity" means any activity
22 described in paragraphs (1) to (3) of this subsection.



1 "Agricultural-energy enterprise" means an
2 enterprise that integrally incorporates an
3 agricultural activity with an agricultural-energy
4 facility.

5 "Agricultural-energy facility" means a facility
6 that generates, stores, or distributes renewable
7 energy as defined in section 269-91 or renewable fuel
8 including electrical or thermal energy or liquid or
9 gaseous fuels from products of agricultural activities
10 from agricultural lands located in the State.

11 "Appurtenances" means operational infrastructure
12 of the appropriate type and scale for the economic
13 commercial generation, storage, distribution, and
14 other similar handling of energy, including equipment,
15 feedstock, fuels, and other products of agricultural-
16 energy facilities;

17 (18) Construction and operation of wireless communication
18 antennas; provided that, for the purposes of this
19 paragraph, "wireless communication antenna" means
20 communications equipment that is either freestanding
21 or placed upon or attached to an already existing
22 structure and that transmits and receives



1 electromagnetic radio signals used in the provision of
2 all types of wireless communications services;
3 provided further that nothing in this paragraph shall
4 be construed to permit the construction of any new
5 structure that is not deemed a permitted use under
6 this subsection;

7 (19) Agricultural education programs conducted on a farming
8 operation as defined in section 165-2, for the
9 education and participation of the general public;
10 provided that the agricultural education programs are
11 accessory and secondary to the principal agricultural
12 use of the parcels or lots on which the agricultural
13 education programs are to occur and do not interfere
14 with surrounding farm operations. For the purposes of
15 this section, "agricultural education programs" means
16 activities or events designed to promote knowledge and
17 understanding of agricultural activities and practices
18 conducted on a farming operation as defined in section
19 165-2;

20 (20) Solar energy facilities that do not occupy more than
21 ten per cent of the acreage of the parcel, or twenty
22 acres of land, whichever is lesser; provided that this



1 use shall not be permitted on lands with soil
2 classified by the land study bureau's detailed land
3 classification as overall (master) productivity rating
4 class A; or

5 [†](21)[†] Geothermal resources exploration and geothermal
6 resources development, as defined under section 182-1.

7 (b) Uses not expressly permitted in subsection (a) shall
8 be prohibited, except the uses permitted as provided in sections
9 205-6 and 205-8, and construction of single-family dwellings on
10 lots existing before June 4, 1976. Any other law to the
11 contrary notwithstanding, no subdivision of land within the
12 agricultural district with soil classified by the land study
13 bureau's detailed land classification as overall (master)
14 productivity rating class A or B, or classified as 1.(T), fourth
15 class--taro lands pursuant to section 171-10, shall be approved
16 by a county unless those A, [and] B, or 1.(T) classification
17 lands within the subdivision are made subject to the restriction
18 on uses as prescribed in this section and to the condition that
19 the uses shall be primarily in pursuit of an agricultural
20 activity.

21 Any deed, lease, agreement of sale, mortgage, or other
22 instrument of conveyance covering any land within the



1 agricultural subdivision shall expressly contain the restriction
2 on uses and the condition, as prescribed in this section that
3 these restrictions and conditions shall be encumbrances running
4 with the land until such time that the land is reclassified to a
5 land use district other than agricultural district. Taro lands
6 classified as 1.(T), fourth class--taro lands pursuant to
7 section 171-10, shall not be reclassified.

8 If the foregoing requirement of encumbrances running with
9 the land jeopardizes the owner or lessee in obtaining mortgage
10 financing from any of the mortgage lending agencies set forth in
11 the following paragraph, and the requirement is the sole reason
12 for failure to obtain mortgage financing, then the requirement
13 of encumbrances shall, insofar as such mortgage financing is
14 jeopardized, be conditionally waived by the appropriate county
15 enforcement officer; provided that the conditional waiver shall
16 become effective only in the event that the property is
17 subjected to foreclosure proceedings by the mortgage lender.

18 The mortgage lending agencies referred to in the preceding
19 paragraph are the Federal Housing Administration, Federal
20 National Mortgage Association, Veterans Administration, Small
21 Business Administration, United States Department of
22 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate



1 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any
2 other federal, state, or private mortgage lending agency
3 qualified to do business in Hawaii, and their respective
4 successors and assigns."

5 SECTION 9. Section 226-7, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Planning for the State's economy with regard to
8 agriculture shall be directed towards achievement of the
9 following objectives:

- 10 (1) Viability of Hawaii's sugar and pineapple industries.
11 (2) Growth and development of diversified agriculture
12 throughout the State.
13 (3) An agriculture industry that continues to constitute a
14 dynamic and essential component of Hawaii's strategic,
15 economic, and social well-being.
16 (4) The growth and perpetuation of all traditional
17 Hawaiian crops."

18 PART III

19 SECTION 10. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 11. This Act shall take effect on July 1, 2030.



Report Title:

Agriculture; Future Farmers of America Program; 4-H Program;
Taro Lands

Description:

Appropriates funds to the Department of Education and the University of Hawaii to operate and implement the Future Farmers of America and 4-H Programs. Amends public land classifications to add taro lands for wetland cultivation as a fourth class of agricultural lands. Defines taro lands. Includes retention of supporting structures for taro fields in the list of permitted uses for certain agricultural lands. Adds growth and perpetuation of all traditional Hawaiian crops to agricultural planning objectives. Effective July 1, 2030. (SB757 HD2)

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