
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 agriculture 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



1 2014-2015 for the implementation and operation of the Future
2 Farmers of America and 4-H programs to educate and support youth
3 in agriculture careers; provided that the funds shall be
4 apportioned between the Future Farmers of America and 4-H
5 programs as the department of education deems appropriate.

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

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2013-2014 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2014-2015 for the University of Hawaii, college of tropical
13 agriculture and human resources to implement and operate the
14 Future Farmers of America and 4-H programs to educate and
15 support youth in agriculture careers; provided that the funds
16 shall be apportioned between the Future Farmers of America and
17 4-H programs as the University of Hawaii deems appropriate.

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

20 Part II



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



1 or private landowners to protect or rehabilitate ancient taro
2 infrastructure.

3 The purpose of this Act is to improve protections for taro
4 lands and ancient agricultural structures.

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

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

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

14 **"§171-10 Classes of lands.** The board of land and natural
15 resources shall classify all public lands and in doing so be
16 guided by the following classifications:

17 1. Intensive agricultural use

18 (A) First class--Lands highly productive of intensive
19 crops such as sugarcane, pineapples, truck crops, and orchard
20 crops.



1 (B) Second class--Lands having medium productivity for
2 intensive crops.

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

5 (T) Fourth class--Taro lands. This class does not make a
6 determination of productivity and recognizes the cultural,
7 social, economic, and food self-sufficiency value of preserving
8 traditional taro lands for wetland cultivation.

9 2. Special livestock use

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

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

19 3. Pasture use

20 (A) First class--Lands having a potentially high economic
21 animal unit carrying capacity and capable of correspondingly



1 high liveweight gains per acre per year, such as, less than five
2 acres per animal unit per year and more than one hundred pounds
3 live beef gains per animal unit per acre per year.

4 (B) Second class--Lands having a potentially medium
5 economic animal unit carrying capacity and capable of moderate
6 liveweight gains per acre per year, such as, five to twenty
7 acres per animal unit per year and twenty to one hundred pounds
8 live beef gains per animal unit per acre per year.

9 (C) Third class--Lands having a relatively low animal unit
10 carrying capacity and producing correspondingly low liveweight
11 gains per acre per year, such as, more than twenty acres per
12 animal unit per year and less than twenty pounds average live
13 beef gains per animal unit per acre per year.

14 4. Commercial timber use

15 (A) First 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 favorable logging, transportation, and
20 marketing conditions.



1 (B) Second class--Lands of high suitability for growth of
2 merchantable timber having mean annual growth potential under
3 normal forest management practices with yields exceeding amounts
4 such as one thousand board feet per acre, and with location and
5 terrain presenting less favorable logging, transportation, and
6 marketing conditions.

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

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

19 (E) Fifth class--Lands of relatively low suitability for
20 growth of merchantable timber having mean annual growth
21 potential less than an amount such as five hundred board feet



1 per acre, and with location and terrain presenting favorable
2 logging, transportation, and marketing conditions.

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

8 5. Quarry use

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

11 6. Mining use

12 Lands bearing sufficient quantity and quality of mineral
13 products for purpose of commercial mining and use.

14 7. Recreational use

15 Lands suitable for use and development as parks,
16 playgrounds, historical sites, natural area, camp grounds,
17 wildlife refuge, scenic sites, and other such uses.

18 8. Watershed use

19 Lands suitable for the use and development as watersheds or
20 for the development of water, and requiring necessary
21 restrictions on other uses.



- 1 9. Residential use
- 2 Lands suitable and economically feasible for residential
- 3 development and use.
- 4 10. Commercial and industrial use
- 5 Lands suitable and economically feasible for commercial and
- 6 industrial development and use.
- 7 11. Hotel, apartment, and motel use
- 8 Lands suitable and economically feasible for hotel,
- 9 apartment, and motel development and use.
- 10 12. Resort use
- 11 Lands suitable and economically feasible for resort
- 12 development and use.
- 13 13. Unclassified uses
- 14 Lands not otherwise classifiable under the foregoing
- 15 sections."

16 SECTION 7. Section 205-3.5, Hawaii Revised Statutes, is
17 amended by amending its title and subsection (a) to read as
18 follows:

19 "**[†]§205-3.5[†]** **Reclassification of land contiguous to an**
20 **agricultural district; approval conditions.** (a) Any decision
21 approving a petition for a boundary amendment pursuant to this



1 chapter where lands in the petition area are contiguous or
2 adjacent to lands in the agricultural district, shall include
3 the following conditions in the decision granting approval:

4 (1) A prohibition on any action that would interfere with
5 or restrain farming operations[+], including blockage,
6 disturbance, or destruction of traditional 'auwai
7 irrigation ditches that may cross property boundaries;

8 provided the farming operations are conducted in a
9 manner consistent with generally accepted agricultural
10 and management practices on adjacent or contiguous
11 lands in the agricultural district; and

12 (2) Notification to all prospective developers or
13 purchasers of land or interest in land in the petition
14 area and subsequent notification to lessees or tenants
15 of the land, that farming operations and practices on
16 adjacent or contiguous land in the agricultural
17 district are protected under chapter 165, the Hawaii
18 Right to Farm Act, and that the notice shall be
19 included in any disclosure required for the sale or
20 transfer of real property or any interest in real
21 property."



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

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

- 9 (1) Cultivation of crops, including crops for bioenergy,
10 flowers, vegetables, foliage, fruits, forage, and
11 timber;
- 12 (2) Game and fish propagation;
- 13 (3) Raising of livestock, including poultry, bees, fish,
14 or other animal or aquatic life that are propagated
15 for economic or personal use;
- 16 (4) Farm dwellings, employee housing, farm buildings, or
17 activities or uses related to farming and animal
18 husbandry. "Farm dwelling", as used in this
19 paragraph, means a single-family dwelling located on
20 and used in connection with a farm, including clusters
21 of single-family farm dwellings permitted within



- 1 agricultural parks developed by the State, or where
2 agricultural activity provides income to the family
3 occupying the dwelling;
- 4 (5) Public institutions and buildings that are necessary
5 for agricultural practices;
- 6 (6) Public and private open area types of recreational
7 uses, including day camps, picnic grounds, parks, and
8 riding stables, but not including dragstrips,
9 airports, drive-in theaters, golf courses, golf
10 driving ranges, country clubs, and overnight camps;
- 11 (7) Public, private, and quasi-public utility lines and
12 roadways, transformer stations, communications
13 equipment buildings, solid waste transfer stations,
14 major water storage tanks, and appurtenant small
15 buildings such as booster pumping stations, but not
16 including offices or yards for equipment, material,
17 vehicle storage, repair or maintenance, treatment
18 plants, corporation yards, or other similar
19 structures;
- 20 (8) Retention, restoration, rehabilitation, or improvement
21 of buildings, walls, terraces, and supporting



- 1 structures for lo'i taro fields, or sites of historic
2 or scenic interest;
- 3 (9) Agricultural-based commercial operations as described
4 in section [‡]205-2(d)(15) [‡];
- 5 (10) Buildings and uses, including mills, storage, and
6 processing facilities, maintenance facilities,
7 photovoltaic, biogas, and other small-scale renewable
8 energy systems producing energy solely for use in the
9 agricultural activities of the fee or leasehold owner
10 of the property, and vehicle and equipment storage
11 areas that are normally considered directly accessory
12 to the above-mentioned uses and are permitted under
13 section 205-2(d);
- 14 (11) Agricultural parks;
- 15 (12) Plantation community subdivisions, which as used in
16 this chapter means an established subdivision or
17 cluster of employee housing, community buildings, and
18 agricultural support buildings on land currently or
19 formerly owned, leased, or operated by a sugar or
20 pineapple plantation; provided that the existing
21 structures may be used or rehabilitated for use, and



1 new employee housing and agricultural support
2 buildings may be allowed on land within the
3 subdivision as follows:

4 (A) The employee housing is occupied by employees or
5 former employees of the plantation who have a
6 property interest in the land;

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

10 (C) The agricultural support buildings shall be
11 rented or leased to agricultural business
12 operators or agricultural support services;

13 (13) Agricultural tourism conducted on a working farm, or a
14 farming operation as defined in section 165-2, for the
15 enjoyment, education, or involvement of visitors;
16 provided that the agricultural tourism activity is
17 accessory and secondary to the principal agricultural
18 use and does not interfere with surrounding farm
19 operations; and provided further that this paragraph
20 shall apply only to a county that has adopted



1 ordinances regulating agricultural tourism under
2 section 205-5;

3 (14) Agricultural tourism activities, including overnight
4 accommodations of twenty-one days or less, for any one
5 stay within a county; provided that this paragraph
6 shall apply only to a county that includes at least
7 three islands and has adopted ordinances regulating
8 agricultural tourism activities pursuant to section
9 205-5; provided further that the agricultural tourism
10 activities coexist with a bona fide agricultural
11 activity. For the purposes of this paragraph, "bona
12 fide agricultural activity" means a farming operation
13 as defined in section 165-2;

14 (15) Wind energy facilities, including the appurtenances
15 associated with the production and transmission of
16 wind generated energy; provided that the wind energy
17 facilities and appurtenances are compatible with
18 agriculture uses and cause minimal adverse impact on
19 agricultural land;

20 (16) Biofuel processing facilities, including the
21 appurtenances associated with the production and



1 refining of biofuels that is normally considered
2 directly accessory and secondary to the growing of the
3 energy feedstock; provided that biofuels processing
4 facilities and appurtenances do not adversely impact
5 agricultural land and other agricultural uses in the
6 vicinity.

7 For the purposes of this paragraph:

8 "Appurtenances" means operational infrastructure
9 of the appropriate type and scale for economic
10 commercial storage and distribution, and other similar
11 handling of feedstock, fuels, and other products of
12 biofuel processing facilities.

13 "Biofuel processing facility" means a facility
14 that produces liquid or gaseous fuels from organic
15 sources such as biomass crops, agricultural residues,
16 and oil crops, including palm, canola, soybean, and
17 waste cooking oils; grease; food wastes; and animal
18 residues and wastes that can be used to generate
19 energy;

20 (17) Agricultural-energy facilities, including
21 appurtenances necessary for an agricultural-energy



1 enterprise; provided that the primary activity of the
2 agricultural-energy enterprise is agricultural
3 activity. To be considered the primary activity of an
4 agricultural-energy enterprise, the total acreage
5 devoted to agricultural activity shall be not less
6 than ninety per cent of the total acreage of the
7 agricultural-energy enterprise. The agricultural-
8 energy facility shall be limited to lands owned,
9 leased, licensed, or operated by the entity conducting
10 the agricultural activity.

11 As used in this paragraph:

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

14 "Agricultural-energy enterprise" means an
15 enterprise that integrally incorporates an
16 agricultural activity with an agricultural-energy
17 facility.

18 "Agricultural-energy facility" means a facility
19 that generates, stores, or distributes renewable
20 energy as defined in section 269-91 or renewable fuel
21 including electrical or thermal energy or liquid or



1 gaseous fuels from products of agricultural activities
2 from agricultural lands located in the State.

3 "Appurtenances" means operational infrastructure
4 of the appropriate type and scale for the economic
5 commercial generation, storage, distribution, and
6 other similar handling of energy, including equipment,
7 feedstock, fuels, and other products of agricultural-
8 energy facilities;

9 (18) Construction and operation of wireless communication
10 antennas; provided that, for the purposes of this
11 paragraph, "wireless communication antenna" means
12 communications equipment that is either freestanding
13 or placed upon or attached to an already existing
14 structure and that transmits and receives
15 electromagnetic radio signals used in the provision of
16 all types of wireless communications services;
17 provided further that nothing in this paragraph shall
18 be construed to permit the construction of any new
19 structure that is not deemed a permitted use under
20 this subsection;



- 1 (19) Agricultural education programs conducted on a farming
2 operation as defined in section 165-2, for the
3 education and participation of the general public;
4 provided that the agricultural education programs are
5 accessory and secondary to the principal agricultural
6 use of the parcels or lots on which the agricultural
7 education programs are to occur and do not interfere
8 with surrounding farm operations. For the purposes of
9 this section, "agricultural education programs" means
10 activities or events designed to promote knowledge and
11 understanding of agricultural activities and practices
12 conducted on a farming operation as defined in section
13 165-2;
- 14 (20) Solar energy facilities that do not occupy more than
15 ten per cent of the acreage of the parcel, or twenty
16 acres of land, whichever is lesser; provided that this
17 use shall not be permitted on lands with soil
18 classified by the land study bureau's detailed land
19 classification as overall (master) productivity rating
20 class A; or



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

3 (b) Uses not expressly permitted in subsection (a) shall
4 be prohibited, except the uses permitted as provided in sections
5 205-6 and 205-8, and construction of single-family dwellings on
6 lots existing before June 4, 1976. Any other law to the
7 contrary notwithstanding, no subdivision of land within the
8 agricultural district with soil classified by the land study
9 bureau's detailed land classification as overall (master)
10 productivity rating class A or B, or classified as 1.(T), fourth
11 class--taro lands pursuant to section 171-10, shall be approved
12 by a county unless those A, ~~and~~ B, or 1.(T) classification
13 lands within the subdivision are made subject to the restriction
14 on uses as prescribed in this section and to the condition that
15 the uses shall be primarily in pursuit of an agricultural
16 activity.

17 Any deed, lease, agreement of sale, mortgage, or other
18 instrument of conveyance covering any land within the
19 agricultural subdivision shall expressly contain the restriction
20 on uses and the condition, as prescribed in this section that
21 these restrictions and conditions shall be encumbrances running



1 with the land until such time that the land is reclassified to a
2 land use district other than agricultural district. Taro lands
3 classified as 1.(T), fourth class--taro lands pursuant to
4 section 171-10 shall not be reclassified.

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

15 The mortgage lending agencies referred to in the preceding
16 paragraph are the Federal Housing Administration, Federal
17 National Mortgage Association, Veterans Administration, Small
18 Business Administration, United States Department of
19 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate
20 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any
21 other federal, state, or private mortgage lending agency



1 qualified to do business in Hawaii, and their respective
2 successors and assigns."

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

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

8 (1) Viability of Hawaii's sugar and pineapple industries.

9 (2) Growth and development of diversified agriculture
10 throughout the State.

11 (3) An agriculture industry that continues to constitute a
12 dynamic and essential component of Hawaii's strategic,
13 economic, and social well-being.

14 (4) The growth and perpetuation of all traditional
15 Hawaiian crops."

16 Part III

17 SECTION 10. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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



Report Title:

Agriculture

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 lands classifications to add taro lands for wetland cultivation as fourth class of agricultural lands. Defines taro lands Requires retention of supporting structures for taro fields. Adds growth and perpetuation of all traditional Hawaiian crops to agricultural planning objectives. (Proposed HD2)

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

