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# A BILL FOR AN ACT

RELATING TO THE PROTECTION OF TARO.

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

1           SECTION 1. The legislature finds that section 205-41,  
2 Hawaii Revised Statutes, states that there is a compelling  
3 interest in preserving agricultural lands. The legislature also  
4 finds that the Taro Security and Purity Task Force established  
5 under Act 211, Session Laws of Hawaii 2008, reported to the  
6 legislature in the 2010 legislative report *E ola hou ke kalo;*  
7 *ho'i hou ka 'āina lē'ia: The taro lives; abundance returns to the*  
8 *land* recommending improved protections for taro growing lands,  
9 including lo'i (wet fields and terraces), mala (dry fields and  
10 terraces), kuana or paepae pohaku (stone walls), and 'auwai  
11 (irrigation ditches). The taro task force found that these key  
12 structural elements for viable taro production were being  
13 destroyed, severed, and built upon by private and public  
14 development because of gaps in land use, historic preservation,  
15 and planning laws and policies.



1           The purpose of this Act is to improve protections for  
2 wetland taro lands and ancient agricultural structures on state  
3 owned or acquired lands.

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

6           "**§206-7 Property which shall not be acquired for**  
7 **development projects.** In declaring development areas, and  
8 acquiring land therein, the board of land and natural resources  
9 shall avoid disturbing existing uses which are in accord with  
10 the highest use permitted under any existing zoning ordinance in  
11 the political subdivision concerned. The board shall not  
12 disturb existing taro-growing systems, ancient wetland taro  
13 lands, or structural elements of ancient taro-growing systems.

14           The board shall not acquire for development projects:

- 15           (1) Lands already developed and improved as business or  
16 industrial areas where use of the lands for  
17 residential purposes or as a part of a development  
18 project would be economically unsound or where an  
19 undue hardship would be suffered by the community  
20 through loss of service because of the acquisition;
- 21           (2) Lands already in use for residential purposes by the  
22 owner thereof or by a lessee holding a lease with an



1 original term of twenty years or more, except where  
2 the acquisition of parts of the lands is reasonably  
3 necessary for the proper development of a project, but  
4 in no case shall any part of the lands be taken where  
5 the taking will reduce the parcel to less than three  
6 acres in extent;

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

16 (4) Lands used or to be used as sites for churches,  
17 private or parochial schools, clubs, meeting houses,  
18 other private uses of a community, civic, social, or  
19 religious nature; and

20 (5) Lands and infrastructure used or to be used for taro-  
21 growing, including ancient wetland taro lands and  
22 structural elements of ancient taro-growing systems;



1 provided that portions of the lands mentioned under (1), (2),  
2 (3), and (4) of this section, or interests therein, may be taken  
3 to provide access and utility easements where no other  
4 reasonable means of access or utility easements are available.

5 In acquiring agricultural land for a development project,  
6 where the land though used for agricultural purposes is not  
7 being used in accord with the highest use permitted under any  
8 existing zoning ordinance, the board shall exercise all  
9 reasonable care not to jeopardize the agricultural enterprise  
10 concerned. If, however, the board finds that the land is  
11 necessary for a development project, it may provide assistance,  
12 monetary or otherwise, in relocating the enterprise elsewhere or  
13 pay such damages to the owner or operator of such enterprise as  
14 will reasonably compensate the owner or operator for the owner's  
15 or operator's loss, if the owner or operator has not already  
16 been so compensated under a lease agreement, or both."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Agricultural Lands; Wetland Taro Lands Protection

**Description:**

Includes existing taro-growing systems, ancient wetland taro lands, and taro-growing structures as special agricultural lands to be protected from development. Effective July 1, 2050.

(HB484 HD1)

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

