

JAN 17 2014

A BILL FOR AN ACT

RELATING TO AGRICULTURAL LAND.

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

1 SECTION 1. In 1978, voters approved article XI, section 3,
2 of the Hawaii Constitution, which sets out the framework for
3 state policies to promote agriculture and the conservation of
4 productive agricultural lands in the State. Article XI, section
5 3, provides that:

6 The State shall conserve and protect agricultural
7 lands, promote diversified agriculture, increase
8 agricultural self-sufficiency and assure the
9 availability of agriculturally suitable lands. The
10 legislature shall provide standards and criteria to
11 accomplish the foregoing.

12 Lands identified by the State as important
13 agricultural lands needed to fulfill the purposes
14 above shall not be reclassified by the State or
15 rezoned by its political subdivisions without meeting
16 the standards and criteria established by the
17 legislature and approved by a two-thirds vote of the



1 body responsible for the reclassification or rezoning
2 action.

3 To further implement the intent and purpose of article XI,
4 section 3, of the Hawaii Constitution, Act 183, Session Laws of
5 Hawaii 2005, established standards, criteria, and mechanisms to
6 identify important agricultural lands and required adoption of
7 incentives and permitting procedures to promote agriculture.
8 Act 183 also recognized that while the supply of lands suitable
9 for agriculture is critical, the long-term viability of
10 agriculture also depends on other factors, including:

- 11 (1) Commodity prices;
- 12 (2) Availability of water for irrigation;
- 13 (3) Agricultural research and outreach;
- 14 (4) Application of production technologies;
- 15 (5) Marketing; and
- 16 (6) Availability and cost of transportation services.

17 Act 233, Session Laws of Hawaii 2008, met the requirements of
18 Act 183 by providing incentives and protections to establish and
19 sustain viable agricultural operations on important agricultural
20 lands. Act 233 also provided for the designation of important
21 agricultural lands on public lands.



1 However, the various counties have yet to identify and map
2 potential important agricultural lands within their
3 jurisdictions. These maps, which are to be transmitted to the
4 land use commission, are necessary for the land use commission
5 to identify and designate important agricultural lands.
6 Moreover, it is uncertain when the counties will complete the
7 mapping process. Therefore, it is necessary for the State to
8 monitor large, contiguous parcels of land viable for
9 agricultural production, until the counties provide to the land
10 use commission the maps required to proceed with the important
11 agricultural lands identification process.

12 The purpose of this Act is to require the determination and
13 consideration of the number of large, contiguous parcels of land
14 viable for agricultural production on the island where a
15 disposition, district boundary amendment, or reclassification is
16 located, prior to:

17 (1) The disposition of any parcel of agricultural land
18 consisting of twenty-five or more acres to any
19 government or government agency that has authority to
20 develop land for nonagricultural purposes; and



1 (2) A district boundary amendment or reclassification
2 involving any parcel of agricultural land consisting
3 of twenty-five or more acres.

4 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
5 amended by adding a new section to part III to be appropriately
6 designated and to read as follows:

7 "§171- Disposition of agricultural land consisting of
8 twenty-five or more acres. (a) Prior to approving the
9 disposition of any parcel of public agricultural land consisting
10 of twenty-five or more acres to any government or government
11 agency that has authority to develop land for nonagricultural
12 purposes, the board shall determine the number of parcels of
13 agricultural land consisting of twenty-five or more acres that
14 meet one or more criteria to be designated as important
15 agricultural lands, as defined by law, that are on the island
16 where the land sought to be disposed of is located.

17 (b) Prior to approving the disposition of land that is
18 subject to this section, the board shall consider:

19 (1) Whether the land would be eligible for designation as
20 important agricultural lands under part III of chapter
21 205; and



1 (2) The number of parcels of agricultural land consisting
2 of twenty-five or more acres that are on the island
3 where the land sought to be disposed of is located.

4 The board may deny the disposition without prejudice based upon
5 its considerations under paragraphs (1) and (2).

6 (c) This section shall not apply to land located on an
7 island for which the appropriate county has submitted important
8 agricultural lands maps to the land use commission pursuant to
9 section 205-47."

10 SECTION 3. Chapter 205, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 **"§205- Amendments to district boundaries involving**
14 **twenty-five or more acres of agricultural land.** (a) Any person
15 who files a petition for a district boundary amendment or
16 reclassification involving twenty-five or more acres of
17 agricultural land shall include, as part of the petition, an
18 accounting of the number of parcels of agricultural land
19 consisting of twenty-five or more acres that meet one or more
20 criteria to be designated as important agricultural lands, as
21 defined by law, that are on the island where the land sought to
22 be reclassified is located.



1 (b) In its review of any petition for a district boundary
 2 amendment involving land subject to this section, the
 3 commission, in addition to the considerations required under
 4 section 205-17, shall consider:

- 5 (1) Whether the land would be eligible for designation as
 6 important agricultural lands under part III; and
 7 (2) The number of parcels of agricultural land consisting
 8 of twenty-five or more acres that are on the island
 9 where the land sought to be reclassified is located.

10 The commission may deny the petition without prejudice based
 11 upon its considerations under paragraphs (1) and (2).

12 (c) This section shall not apply to land located on an
 13 island for which the appropriate county has submitted important
 14 agricultural lands maps to the commission pursuant to section
 15 205-47."

16 SECTION 4. New statutory material is underscored.

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

18

INTRODUCED BY: *[Signature]*
[Signature] *[Signature]*
[Signature]
[Signature]



S.B. NO. 2390

Report Title:

Agricultural Land; IAL; Disposition; Reclassification;
Determination

Description:

Requires, prior to the disposition of agricultural land 25 acres or greater to certain governments or government agencies, an accounting of the number of contiguous agricultural land parcels 25 acres or greater that are on the same island and meet one or more criteria for lands eligible for IAL designation. Requires the identification and consideration of the inventory of large parcels of agricultural land prior to a land reclassification or district boundary amendment that reclassifies agricultural land 25 acres or greater to another state land use classification.

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

