
A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1 SECTION 1. Article XI, section 3 of the Hawaii State
2 Constitution establishes the State's duty to "conserve and
3 protect agricultural lands, promote diversified agriculture,
4 increase agricultural self-sufficiency and assure the
5 availability of agriculturally suitable lands" and provides
6 protections for lands identified as important agricultural
7 lands. In service of this duty, the legislature enacted Act
8 183, Session Laws of Hawaii 2005, which was codified in part III
9 of chapter 205, Hawaii Revised Statutes.

10 Act 183 directed each county to work with government and
11 community stakeholders to identify and map potential important
12 agricultural lands within its jurisdiction and make
13 recommendations to the land use commission for the designation
14 of these lands as important agricultural lands. Once
15 designated, agricultural operations on important agricultural
16 lands are eligible for a variety of state and county assistance
17 and incentive programs including grants and other funding



1 assistance, tax incentives, favorable infrastructure and permit
2 requirements, and farm and business education assistance. The
3 legislature finds that, to date, most counties have not
4 completed their identification and mapping duties under Act 183.

5 The purpose of this Act is to implement Act 183 in
6 accordance with the State's constitutional duty to protect
7 important agricultural lands, by providing a monetary incentive
8 to the counties for the identification and mapping of important
9 agricultural lands.

10 SECTION 2. Section 205-48, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~{}§205-48{}~~ **Receipt of maps of eligible important**
13 **agricultural lands; land use commission.** (a) ~~[The land use~~
14 ~~commission shall receive the]~~ Each county shall submit its
15 recommendations and maps developed pursuant to section 205-47
16 delineating those lands eligible to be designated important
17 agricultural lands ~~[no sooner than the effective date of the~~
18 ~~legislative enactment of protection and incentive measures for~~
19 ~~important agricultural lands and agricultural viability, as~~
20 ~~provided in section 9 of Act 183, Session Laws of Hawaii 2005.]~~
21 to the land use commission by June 30, 2019.



1 (b) The department of agriculture and the office of
2 planning shall review the county report and recommendations
3 submitted and provide comments to the land use commission within
4 forty-five days of the receipt of the report and maps by the
5 land use commission. The land use commission may also consult
6 with the department of agriculture and the office of planning as
7 needed.

8 (c) [State] Where a county has submitted its
9 recommendations and maps developed pursuant to section 205-47,
10 state agency review shall be based on an evaluation of the
11 degree that the:

12 (1) County recommendations result in an identified
13 resource base that meets the definition of important
14 agricultural land and the objectives and policies for
15 important agricultural lands in sections 205-42 and
16 205-43; and

17 (2) County has met the minimum standards and criteria for
18 the identification and mapping process in sections
19 205-44 and 205-47.

20 (d) If a county fails to submit its recommendations and
21 maps by June 30, 2019, the commission shall use the standards



1 and criteria in section 205-44 to identify and develop the maps
2 of important agricultural lands in that county and, after
3 receiving the recommendations of the department of agriculture
4 and the office of planning, proceed to identify and designate
5 important agricultural lands, subject to section 205-45."

6 SECTION 3. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$250,000 or so much
8 thereof as may be necessary for fiscal year 2017-2018 and the
9 same sum or so much thereof as may be necessary for fiscal year
10 2018-2019 for grants-in-aid to the counties for the
11 identification and mapping of important agricultural lands
12 pursuant to chapter 205, Hawaii Revised Statutes, to be
13 allocated as follows:

- 14 (1) \$62,500 to the county of Hawaii;
15 (2) \$62,500 to the city and county of Honolulu;
16 (3) \$62,500 to the county of Kauai; and
17 (4) \$62,500 to the county of Maui.

18 The sums appropriated shall be expended by the department
19 of business, economic development, and tourism and disbursed to
20 each county upon submittal of that county's recommendations and
21 maps of important agricultural lands to the land use commission



1 pursuant to section 205-48(a), Hawaii Revised Statutes, as
 2 amended by section 2 of this Act; provided that if any county
 3 fails to submit its recommendations and maps to the land use
 4 commission by June 30, 2019, the department of business,
 5 economic development, and tourism shall disburse that county's
 6 allocated funds to the land use commission, which shall expend
 7 those funds to identify and develop a map of important
 8 agricultural lands in that county pursuant to section 205-48(d),
 9 Hawaii Revised Statutes, in section 2 of this Act by June 30,
 10 2020.

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

13 SECTION 5. This Act shall take effect on July 1, 2017;
 14 provided that the appropriations made in section 3 of this Act
 15 shall not lapse at the end of the fiscal biennium for which the
 16 appropriations are made; provided further that all moneys from
 17 the appropriations unencumbered as of June 30, 2020, shall lapse
 18 as of that date.

19 Calvin M. Say
 INTRODUCED BY: [Signature]
[Signature]
[Signature]
Wade E. Low



H.B. NO. 1584

Linda Lehman

Gregg Tolson

Aidy Evans

[Signature]

[Signature]

Rachel Lee

[Signature]

[Signature]

JAN 25 2017



H.B. NO. 1524

Report Title:

Important Agricultural Lands; Counties; Land Use Commission; Appropriations

Description:

Requires the counties to make recommendations for important agricultural lands by 6/30/2019. Requires the Land Use Commission to identify and designate important agricultural lands by 6/30/2020 for any county that fails to meet the 6/30/2019 deadline. Appropriates funds.

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

