

JAN 24 2013

A BILL FOR AN ACT

RELATING TO PART III OF CHAPTER 205, HAWAII REVISED STATUTES.

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

1 SECTION 1. Article XI, section 3, of the Constitution of
2 the State of Hawaii, relating to agricultural lands, provides in
3 pertinent part as follows:

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

10 Pursuant to the constitutional mandate, the legislature
11 enacted Act 183, Session Laws of Hawaii 2005, relating to
12 important agricultural lands (codified as part III of chapter
13 205, Hawaii Revised Statutes). Section 205-41, Hawaii Revised
14 Statutes, states in pertinent part the policy of preserving
15 important agricultural lands as follows:

16 "It is declared that the people of Hawaii have a
17 substantial interest in the health and sustainability of
18 agriculture as an industry in the State. There is a



1 compelling state interest in conserving the State's
2 agricultural land resource base and assuring the long-term
3 availability of agricultural lands for agricultural use[.]"

4 The legislature finds that Act 183 has not been fulfilled
5 in implementation and has not been amended to address the
6 problems that were acknowledged in 2005, and the confusion that
7 arose in 2005 still exists.

8 Further, many of the deadlines established by the Act have
9 passed without adherence to the stated mandates, including the
10 following:

11 (1) Section 7 of Act 183, requiring each county to submit
12 its report and maps for lands eligible for important
13 agricultural lands designation no later than sixty
14 months after receipt of the state funds appropriated
15 for the identification process (Act 183 appropriated
16 \$75,000 to the counties for identification and mapping
17 of important agricultural lands);

18 (2) Section 14 of Act 183, which requires that
19 identification and mapping of important agricultural
20 lands by the counties take effect in three years after
21 the department of agriculture establishes incentives



1 and protections for important agricultural lands and
2 agricultural viability;

3 (3) Section 205-51, Hawaii Revised Statutes, which
4 requires each county to adopt ordinances that reduce
5 infrastructure standards for important agricultural
6 lands no later than the effective date of legislative
7 enactment of protection and incentive measures for
8 important agricultural lands and agricultural
9 viability.

10 The legislature further finds that Act 183 needs to be
11 reviewed to clarify ambiguous language and vague terms, as well
12 as in general to update the language to reflect current needs
13 and conditions in agriculture and farming in this State.

14 The purpose of this Act is to establish an ad hoc advisory
15 committee to propose statutory amendments to the important
16 agricultural lands law as contained in part III, chapter 205,
17 Hawaii Revised Statutes.

18 SECTION 2. (a) There is established an ad hoc advisory
19 committee to propose statutory amendments to the legislature
20 regarding the important agricultural lands law as contained in
21 part III, chapter 205, Hawaii Revised Statutes. The ad hoc



1 committee shall be placed under the legislative reference bureau
2 for administrative purposes.

3 (b) The ad hoc advisory committee shall consist of the
4 following members or their designees:

5 (1) The director or acting director of the legislative
6 reference bureau, to serve as chair of the ad hoc
7 committee;

8 (2) A member of the senate, appointed by the president of
9 the senate;

10 (3) A member of the house of representatives, appointed by
11 the speaker of the house of representatives;

12 (4) The executive officer of the land use commission;

13 (5) The director of the office of planning; and

14 (6) The directors of planning of the counties of Hawaii,
15 Maui, and Kauai, respectively, and the director of
16 planning and permitting of the city and county of
17 Honolulu.

18 (c) The advisory committee shall:

19 (1) Conduct research into the legislative intent of the
20 important agricultural lands law enacted by Act 183,
21 Session Laws of Hawaii 2005, including reviewing the
22 testimony and supporting documents submitted to the



1 legislature in connection with H.B. No. 1640 and its
2 drafts introduced during the regular session of 2005;

3 (2) Review the state land use classification system and
4 county zoning ordinances relating to agriculture to
5 identify substantive and procedural issues and
6 problems relating to implementation of Act 183,
7 Session Laws of Hawaii 2005;

8 (3) Propose statutory amendments, if any, to part III of
9 chapter 205, Hawaii Revised Statutes, to clarify,
10 define, and update the statutory language in order to
11 ensure that the language adequately expresses
12 legislative intent in identifying, preserving, and
13 perpetuating important agricultural lands;

14 (4) Determine whether or not the statutory mandates in Act
15 183, Session Laws of Hawaii 2005, have been fulfilled
16 to date; and

17 (5) Solicit input from large landowners and owners of
18 large and small agricultural enterprises.

19 SECTION 3. The legislative reference bureau shall report
20 the task force's findings and recommendations, including
21 proposed draft legislation, to the legislature no later than



1 twenty days prior to the convening of the regular session of
2 2014.

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY:

Malcolm R. ...
By Request



S.B. NO. 951

Report Title:

Important Agricultural Lands; Advisory Committee

Description:

Establishes an ad hoc advisory committee to study and report findings and recommendations to the legislature on Act 183, SLH 2005, important agricultural lands.

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

