
A BILL FOR AN ACT

RELATING TO LAND STUDY BUREAU CLASSIFICATIONS AND RATINGS.

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

1 SECTION 1. The legislature finds that the land study
2 bureau classifications and ratings for agricultural lands were
3 completed decades ago and were based on large-scale agriculture
4 operations, primarily for sugarcane and pineapple. The land
5 study bureau was subsequently disbanded, and there is now no
6 means for landowners to appeal or to have land study bureau
7 classifications and ratings reviewed and amended based on
8 current conditions.

9 The legislature further finds that agricultural practices
10 and activities and the availability of water to various
11 agricultural lands have changed since the land study bureau
12 classifications and ratings were completed. The legislature
13 thus finds that there is a need to allow for the review of land
14 study bureau classifications and ratings until a new,
15 comprehensive agricultural classification and rating study can
16 be undertaken.



1 The purpose of this Act is to create a temporary
2 subcommittee of the land use commission to review land study
3 bureau classifications and ratings of lands located in
4 agricultural districts.

5 SECTION 2. As used in this Act, unless the context clearly
6 requires otherwise:

7 "Subcommittee" means the land study bureau classifications
8 and ratings review committee established by this Act.

9 SECTION 3. (a) There is created a subcommittee within the
10 land use commission, to be known as the land study bureau
11 classifications and ratings review subcommittee, to be composed
12 of three members of the land use commission designated by the
13 commission. The subcommittee shall make determinations and
14 render decisions on petitions made under this Act.

15 (b) Members of the land use commission who are designated
16 to serve on the subcommittee shall serve for a period of two
17 years and meet as needed to make decisions on petitions made
18 under this Act without need for review or participation by the
19 full commission. Commissioners on the subcommittee may elect a
20 chairperson to preside over the proceedings.



1 Notwithstanding section 92-6(b), the subcommittee members'
2 work shall be a quasi-judicial function exempt from part I of
3 chapter 92, Hawaii Revised Statutes, by section 92-6(a), Hawaii
4 Revised Statutes; provided that any decisions are:

5 (1) Included in the meeting notice of the subcommittee;
6 and

7 (2) Subject to further review and comment by the
8 subcommittee and members of the public who are present
9 at a duly noticed meeting of the subcommittee.

10 The exemption from part I of chapter 92, Hawaii Revised
11 Statutes, shall cease on December 31, .

12 (c) Any department or agency of the State, any department
13 or agency of the county in which the land is situated, and any
14 person with a property interest in the land may petition the
15 land use commission to change or review all or a portion of the
16 land study bureau classification and rating of its agricultural
17 lands, including land study bureau classifications and ratings
18 of lands within state agricultural districts and lands
19 designated or sought to be designated as important agricultural
20 lands pursuant to part III of chapter 205, Hawaii Revised
21 Statutes.



1 (d) Upon proper filing of a petition pursuant to this Act
2 and rules adopted pursuant to this Act, the subcommittee shall,
3 in no less than sixty days and no more than one hundred eight
4 days, conduct a hearing on the appropriate island in accordance
5 with sections 91-9, 91-10, 91-11, 91-12, and 91-13, Hawaii
6 Revised Statutes, as applicable.

7 (e) Notwithstanding any other law to the contrary, a
8 notice of the hearing together with a copy of the petition shall
9 be served on the department of agriculture, the county planning
10 department in the county in which the land is located, and all
11 persons with a property interest in the land as recorded in the
12 county's real property tax records.

13 (f) Notwithstanding any other law to the contrary, prior
14 to the hearing on a petition, the subcommittee and its staff may
15 view and inspect any land which is the subject of the petition.

16 (g) The petitioner, department of agriculture, and county
17 planning department shall in every case appear as parties and
18 make recommendations relative to the proposed change or changes.
19 All parties may enter into appropriate stipulations as to
20 findings of fact, conclusions of law, and conditions concerning



1 the proposed change in the land study bureau classification or
2 rating.

3 (h) The subcommittee shall allow public testimony
4 concerning the proposed land study bureau classification and
5 rating changes.

6 (i) Unless otherwise ordered by a court or unless a time
7 extension is approved by the subcommittee pursuant to subsection
8 (j), within one hundred eighty days after the proper filing of a
9 petition, the land use commission shall, by filing findings of
10 fact and conclusions of law and by an affirmative vote of at
11 least two of its members, act to approve the petition, deny the
12 petition, or approve the petition with modifications by granting
13 the petition for a portion of the lands set forth in the
14 petition.

15 (j) The subcommittee may authorize, by an affirmative vote
16 of at least two of its members, a time extension of up to ninety
17 days for the land use commission to issue a decision on a
18 petition under this Act.

19 (k) The land use commission, in conjunction with the
20 department of agriculture, shall adopt rules pursuant to chapter
21 91, Hawaii Revised Statutes, governing the review of land study



1 bureau classifications and ratings. The rules shall include the
2 standards and criteria for changing the land study bureau
3 classifications and ratings and shall, without limitation,
4 establish:

5 (1) The information to be set forth in any petition for
6 the review of and change to land study bureau
7 classifications and ratings;

8 (2) The minimum qualifications for witnesses or authors of
9 any studies submitted by the petitioner; and

10 (3) Reasonable filing fees to accompany petitions.

11 SECTION 4. This Act shall take effect on July 1, 2050, and
12 shall be repealed on December 31, .

13



H.B. NO. 1671 H.D. 1

Report Title:

Land Use Commission; Land Study Bureau Classifications and Ratings; Review; Subcommittee

Description:

Temporarily establishes the land study bureau classifications and ratings review subcommittee within the land use commission to review and amend land study bureau classifications and ratings of agricultural lands. Repeals on 12/31/ . Effective 7/1/2050. (HD1)

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

