
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that the State is
2 constitutionally required to conserve and protect agricultural
3 lands, promote diversified agriculture, increase agricultural
4 self-sufficiency, and assure the availability of agriculturally
5 suitable lands. To fulfill this mandate, the legislature
6 established policies and incentives for the designation of lands
7 as important agricultural lands. Important agricultural lands
8 are those lands that:

9 (1) Are capable of producing sustained high agricultural
10 yields when treated and managed according to accepted
11 farming methods and technology;

12 (2) Contribute to the State's economic base and produce
13 agricultural commodities for export or local
14 consumption; or

15 (3) Are needed to promote the expansion of agricultural
16 activities and income for the future, even if
17 currently not in production.



1 As of September 4, 2020, 136,489 acres have been designated
2 as important agricultural lands across the State. The
3 predominant agricultural uses on these lands include coffee,
4 taro, biomass production for renewable energy, cattle ranching,
5 and diversified crops. There are many incentives for important
6 agricultural lands, including the authority to develop farm
7 dwellings and employee housing on the lands, a refundable tax
8 credit, a loan guaranty, and expedited processing.

9 However, the legislature finds that there may be
10 individuals who abuse the important agricultural land
11 designation system for its incentives. Individuals who use
12 their important agricultural lands for unintended purposes are
13 undermining the State's objective to support a diversity of
14 agricultural activities and opportunities that expand
15 agricultural income and job opportunities and increase
16 agricultural self-sufficiency for current and future
17 generations. The legislature believes that those who exploit
18 their important agricultural lands designation for personal or
19 financial gain should be subjected to enhanced penalties.

20 The purpose of this Act is to:



1 (1) Increase the fines for violations of land use laws;
2 and

3 (2) Impose enhanced fines for developers and owners of
4 important agricultural lands who repeatedly use the
5 lands for unintended purposes.

6 SECTION 2. Section 205-13, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 " [†] (a) [†] Any person who violates any provision [~~under~~
9 ~~section 205-4.5,~~] of this chapter, or any [regulation] rule
10 established relating thereto, shall be fined [not] no more than
11 \$5,000 [~~, and any person who violates any other provision of this~~
12 chapter, or any regulation established relating thereto, shall
13 be fined not more than \$1,000.]; provided that when important
14 agricultural lands are not being used as intended under this
15 chapter, excluding lands that have been granted a special use
16 permit by the land use commission or the appropriate county
17 planning commission, the developers and owners of the important
18 agricultural lands shall be fined:

- 19 (1) For a second violation, \$20,000; and
- 20 (2) For a third or subsequent violation, \$30,000.



1 [+] (b) [+] If any person cited for a violation under this
2 chapter fails to remove [~~such~~] the violation within six months
3 of [~~such~~] the citation and the violation continues to exist,
4 [~~such~~] the person shall be subject to a citation for a new and
5 separate violation. [~~There shall be a fine of not more than~~
6 ~~\$5,000 for any additional violation.~~] "

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

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

12 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Land Use; Important Agricultural Lands; Fines

Description:

Increases the fines for violations of land use laws. Imposes enhanced fines for developers and owners of important agricultural lands who repeatedly use the lands for unintended purposes. Effective 7/1/3000. (SD1)

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