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# A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1           SECTION 1. Section 205-49, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§205-49 Designation of important agricultural lands;**  
4 **adoption of important agricultural lands maps.** (a) After  
5 receipt of the maps of eligible important agricultural lands  
6 from the counties and the recommendations of the department of  
7 agriculture and the office of planning and sustainable  
8 development, the commission shall then proceed to identify and  
9 designate important agricultural lands, subject to  
10 section 205-45. The decision shall consider the county maps of  
11 eligible important agricultural lands; declaratory orders issued  
12 by the commission designating important agricultural lands  
13 during the three year period following the enactment of  
14 legislation establishing incentives and protections contemplated  
15 under section 205-46, as provided in section 9 of Act 183,  
16 Session Laws of Hawaii 2005; landowner position statements and  
17 representations; and any other relevant information.



1 In designating important agricultural lands in the State,  
2 pursuant to the recommendations of individual counties, the  
3 commission shall consider the extent to which:

4 (1) The proposed lands meet the standards and criteria  
5 under section 205-44;

6 (2) The proposed designation is necessary to meet the  
7 objectives and policies for important agricultural  
8 lands in sections 205-42 and 205-43; and

9 (3) The commission has designated lands as important  
10 agricultural lands, pursuant to section 205-45;  
11 provided that if the majority of landowners'  
12 landholdings is already designated as important  
13 agricultural lands, excluding lands held in the  
14 conservation district, pursuant to section 205-45 or  
15 any other provision of this part, the commission shall  
16 not designate any additional lands of that landowner  
17 as important agricultural lands except by a petition  
18 pursuant to section 205-45.

19 Any decision regarding the designation of lands as  
20 important agricultural lands and the adoption of maps of those  
21 lands pursuant to this section shall be based upon written



1 findings of fact and conclusions of law, presented in at least  
2 one public hearing conducted in the county where the land is  
3 located in accordance with chapter 91, that the subject lands  
4 meet the standards and criteria set forth in section 205-44 and  
5 shall be approved by two-thirds of the membership to which the  
6 commission is entitled.

7 (b) Copies of the maps of important agricultural lands  
8 adopted under this section shall be transmitted to each county  
9 planning department and county council, the department of  
10 agriculture, the agribusiness development corporation, the  
11 office of planning and sustainable development, and other state  
12 agencies involved in land use matters. The maps of important  
13 agricultural lands shall guide all decision-making on the  
14 proposed reclassification or rezoning of important agricultural  
15 lands, state agricultural development programs, and other state  
16 and county land use planning and decision-making.

17 (c) The land use commission shall have the sole authority  
18 to interpret the adopted map boundaries delineating the  
19 important agricultural lands.



1 (d) The land use commission may designate lands as  
2 important agricultural lands and adopt maps for a designation  
3 pursuant to:

4 (1) A farmer or landowner petition for declaratory ruling  
5 under section 205-45 at any time; or

6 (2) The county process for identifying and recommending  
7 lands for important agricultural lands under section  
8 205-47 no sooner than three years,

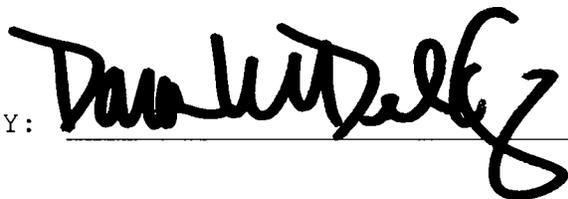
9 after the enactment of legislation establishing incentives and  
10 protections contemplated under section 205-46, as provided in  
11 section 9 of Act 183, Session Laws of Hawaii 2005.

12 (e) The land use commission may designate lands as  
13 important agricultural lands and adopt maps for a designation in  
14 any county that fails to identify and recommend important  
15 agricultural lands by December 31, 2027, subject to the process  
16 and criteria established in subsection (a)."

17 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: 



# S.B. NO. 1099

**Report Title:**

Important Agricultural Lands; LUC

**Description:**

Authorizes the Land Use Commission to designate important agricultural lands and adopt maps for the designated lands in counties that fail to identify and recommend important agricultural lands by December 31, 2027.

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

