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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1           SECTION 1. Chapter 165, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§165-       Conservation districts; former sugarcane lands;  
5 permits and site plan approvals; exemption. Notwithstanding any  
6 law to the contrary, any agricultural enterprise practicing  
7 diversified agriculture on former sugarcane lands within the  
8 conservation district shall be exempt from any requirement for a  
9 permit or site plan approval under section 183C-6 for the  
10 operations within the conservation district."

11           SECTION 2. Section 165-1, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§165-1 Findings and purpose.** The legislature finds that  
14 ~~[when nonagricultural land uses extend into agricultural areas,~~  
15 ~~farming operations often become the subject of nuisance lawsuits~~  
16 ~~that may result in the premature removal of lands from~~  
17 ~~agricultural use and may discourage future investments in~~



1 ~~agriculture. The legislature also finds that]~~ under the Hawaii  
2 State Planning Act, it is a declared policy of this State to  
3 "foster attitudes and activities conducive to maintaining  
4 agriculture as a major sector of Hawaii's economy."

5 The legislature further finds that article XI, section 3,  
6 of the Hawaii State Constitution requires the legislature to  
7 "provide standards and criteria" to conserve and protect  
8 agricultural lands and promote diversified agriculture. The  
9 legislature finds that the commercial production of sugarcane on  
10 former sugarcane lands has caused significant harm to endemic  
11 flora and fauna. Former sugarcane lands thus represent an  
12 opportunity for revegetation, recovery, and enhancement of  
13 wildfire resiliency, all of which would be advanced by the  
14 development of diversified agriculture. Therefore, the  
15 legislature finds that the promotion of diversified agriculture  
16 on former sugarcane lands is in the best interest of the State.  
17 The legislature also finds that the permitting process for land  
18 uses in the conservation district may disproportionately burden  
19 agricultural enterprises that regularly operate on thin margins.  
20 The permitting process may cause long delays in bringing land



1 into production, further straining the operating budgets of  
2 agricultural enterprises.

3 Accordingly, it is the purpose of this chapter to [~~reduce~~]:

4 (1) Reduce the loss to the State of its agricultural  
5 resources by limiting the circumstances under which  
6 farming operations may be deemed to be a nuisance[-];  
7 and

8 (2) Promote the development of diversified agriculture on  
9 former sugarcane lands by exempting any agricultural  
10 enterprise practicing diversified agriculture on  
11 former sugarcane lands in a conservation district from  
12 permitting and site approval requirements."

13 SECTION 3. Section 165-2, Hawaii Revised Statutes, is  
14 amended by adding two new definitions to be appropriately  
15 inserted and to read as follows:

16 "Diversified agriculture" means the production of flowers  
17 and nursery products, fruits, vegetables, milk, forage, grains,  
18 forest products, coffee, taro, cattle, poultry, swine, or other  
19 livestock. "Diversified agriculture" does not include the  
20 production of sugarcane or pineapple or high intensity animal



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1 husbandry operations with feed lots or dairy barns with stocking  
2 rates that exceed three animal units per acre.

3 "Former sugarcane lands" means any land devoted to the  
4 commercial production of sugarcane before January 1, 2000."

5 SECTION 4. Section 183C-6, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) [~~The~~] Except as provided in section 165- , the  
8 department shall regulate land use in the conservation district  
9 by the issuance of permits."

10 SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

13

INTRODUCED BY: 



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**Report Title:**

Conservation District; Agricultural Enterprises; Right to Farm;  
Former Sugarcane Lands; Diversified Agriculture; Permit;  
Exemption

**Description:**

Exempts any agricultural enterprise practicing diversified agriculture on lands formerly used for commercial sugarcane production within the conservation district from any permitting and site plan approval requirements established for lands in a conservation district.

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

