

A Bill for an Act Relating to the Acquisition and Disposition of Lands for Agricultural Purposes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a growing scarcity of agricultural lands throughout the State caused by urban encroachment which has made it difficult for agricultural enterprises to survive and has caused the erosion of the agricultural base of the economy; that urban encroachment has caused the unplanned relocation of livestock operations many times in the past twenty years; that urban plans have not placed the necessary emphasis on agriculture and location of agricultural enterprises to insure the survival of agriculture; that there is a need for agricultural land-use planning, particularly, the planning of alternative uses for lands such as Kahuku which have been phased out of sugar without clear use alternatives; and that the acquisition of private property for agriculture purposes is a public purpose or use necessary to facilitate sound agricultural land-use planning.

SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended by adding the following sections to said chapter:

“Sec. 171- Acquisition. The board of land and natural resources is hereby authorized to acquire by lease, exchange, direct purchase or eminent domain private property for disposition for agricultural purposes, including but not limited to agricultural parks.

“Sec. 171- Definition of agricultural park. For the purposes of this Act, agricultural park shall mean any planned agricultural complex which combines and concentrates in a common location a number of agricultural activities for the purpose of realizing production and distribution economies. Agricultural buildings, farm residences, and employee dwellings necessary to the production and distribution of agricultural commodities shall be considered part of the agricultural park.

“Sec. 171- Disposition. Any provision of this chapter to the contrary notwithstanding, the board of land and natural resources is hereby authorized to directly dispose of such land by negotiation and without recourse to public auction. All such dispositions shall be by lease only and shall be subject to the requirements set forth in Article X, section 4 of the State Constitution and in sections 171-33, 171-34, 171-35, 171-36, 171-37, and 171-66 and subject also the following limitations:

“(1) The property shall be disposed of for agricultural purposes only.

“(2) The lessee shall derive the major portion of his total annual income from his activities on the premises;

“(3) The lessee must comply with all Federal and State laws regarding environmental quality control;

“(4) Other terms and conditions as may be set by the board.

“The violation of any provision herein contained shall be sufficient cause for the board after notice as provided in section 171-20 to cancel said lease and take possession of said land.

“Sec. 171- Applicants. A person shall be eligible to apply for a lease hereunder if he meets the qualifications set forth in section 171-68.

“Sec. 171- Preference right. A displaced farmer who is otherwise qualified to take a farm lot, or any farmer whose farm is located in a zoning district where such use is a non-conforming use, shall be given preference in obtaining a lot.”

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

(Approved May 23, 1972.)