

ACT 273

H.B. NO. 393

A Bill for an Act Relating to Agricultural Lands.

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

SECTION 1. The purpose of this Act is to implement Article XI, Section 3, of the Hawaii State Constitution, by providing for standards, criteria, and procedures which are designed to conserve and protect agricultural lands and assure the long-term availability of agriculturally suitable lands. These lands are critical to the long-term viability of agriculture as a major export industry and as a means to increase Hawaii's self-sufficiency and diversification in agricultural products.

SECTION 2. **State of Hawaii land evaluation and site assessment commission.** (a) Establishment and membership. There is established within the office of the legislative reference bureau for administrative purposes the State of Hawaii land evaluation and site assessment commission comprised of seventeen voting members as follows: the director of the department of planning and economic development, the planning directors of each of the four counties, the chairperson of the board of land and natural resources, or their designated representative, the chairperson of the board of agriculture, and ten members who shall be nominated by the president of the senate and the speaker of the house of representatives and appointed by the governor, one member to be selected from each of the following: the Hawaiian Sugar Planters' Association, the pineapple industry, the college of tropical agriculture and human resources of the University of Hawaii, the Hawaii Association of Conservation Districts, the Hawaii Farm Bureau Federation, an organization representing large landowners, an organization representing agricultural workers, and three members from the general public. The chairperson of the board of agriculture shall be the chairperson of the commission. Any vacancy on the commission shall be filled in the same manner in which the original position was filled. The members shall receive no compensation for their services, but shall be reimbursed for actual expenses incurred in the performance of their duties.

(b) Purpose and operation. The commission shall identify, develop, and recommend for legislative adoption important agricultural lands pursuant to the land classification system specified in subsection (d). The commission shall be authorized to undertake all necessary studies to fully and effectively carry out its functions, and may enter into contracts with qualified persons or any government agency

on such terms as it may deem appropriate. The commission shall receive administrative support from the legislative reference bureau and may appoint its own employees without regard to chapters 76 and 77, Hawaii Revised Statutes, and consultants using appropriated funds. All state and county agencies shall render services upon request of the commission through its chairperson to facilitate the purposes of this section. County agencies may be reimbursed by the commission for the reasonable costs of their services upon their request.

(c) Public participation. The commission shall invite the participation of the general public, particularly persons having an interest in agricultural lands located in the State. Public information meetings and hearings shall be held as frequently as deemed necessary and feasible; provided that at least one hearing, which shall be conducted subject to chapter 92, Hawaii Revised Statutes, shall be held in each county prior to the submission of each report required under subsections (e) and (f).

(d) State of Hawaii land evaluation and site assessment. The commission shall formulate the State of Hawaii land evaluation and site assessment system in identifying agricultural lands of importance to the State of Hawaii. In the formulation of the system, the commission shall take into consideration existing data provided by previous studies done under the Land Study Bureau and appropriate attributes of the Land Study Bureau's Detailed Land Classification system and the Agricultural Lands of Importance to the State of Hawaii system. The system may be patterned after the Soil Conservation Service's land evaluation and site assessment system and shall consist of two parts. The first part shall consist of a land evaluation which shall be concerned with the overall quality of the physical properties of the land. The commission shall evaluate the land and points shall be apportioned to the following categories, among others: (1) quality of the land, based on soil characteristics, growing season, moisture supply, temperature, humidity, sunlight, air drainage, elevation, slope, aspect, and related factors needed to produce sustained high agricultural yields when treated and managed according to modern farming methods, and (2) availability of irrigation water, or potential for irrigation system development.

The second part of the State of Hawaii land evaluation and site assessment system shall entail site assessment. Points shall be apportioned on the basis of the compatibility of agricultural use to the following categories, among others: (1) state land use designation, (2) conformance to the state plan and functional plans, if any, (3) county zoning, (4) conformance to the county general plan and development plan, (5) availability of public infrastructure, (6) non-agricultural needs including housing, parks, open space or green belt area, and resort development, (7) financial feasibility to continue operation, (8) proposed use compatibility, and (9) effect on self-sufficiency in agricultural products.

The commission may delete or add other factors to this subsection with a majority approval of the commission. The commission shall exercise its discretion by allocating points and assigning weights to these factors which when added together shall not be greater than the total amount of points available.

(e) 1984 report. Prior to the convening of the regular session of 1984, the commission shall submit to the legislature a report of its findings and recommendations. The report shall include, but not be limited to:

- (1) An evaluation of alternative agricultural production goals for the State, including an assessment of economic feasibility and information relating to specific locational and land area requirements for achieving each alternative;
- (2) A recommended goal or set of goals relating to agricultural production in the State, including an assessment of economic feasibility and the identification of specific locational and land area requirements for achieving this alternative;
- (3) A recommended process to identify important agricultural lands, based on the recommended goal or goals for agricultural production; state agricultural and land use policies; and the appropriate attributes of the land evaluation and site assessment system, or other existing agricultural land classification systems or processes; and
- (4) Proposed legislation if needed to adopt the recommended land classification system or process.

(f) 1985 report; dissolution of commission. Prior to the convening of the regular session of 1985, the commission shall submit to the legislature a report of its findings and recommendations. The report shall include, but not be limited to:

- (1) A set of maps and other appropriate documents identifying the important agricultural lands in the State based on the application of the commission's recommended land use classification system or process, as may be amended following legislative review in 1984; and
- (2) A comprehensive set of legislative proposals to amend existing statutory provisions in order to effectuate the intent of the commission's final recommendations.

Upon adjournment sine die of the regular session of 1985, the commission shall cease to exist.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary for fiscal year 1983-1984, for use by the commission to carry out the purposes of this Act. The sum appropriated shall be expended by the legislative reference bureau for the purposes of this Act.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 13, 1983.)