

JAN 25 2023

A BILL FOR AN ACT

RELATING TO THE PROTECTION OF TARO LANDS.

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

1 SECTION 1. The legislature recognizes that pursuant to
2 section 205-41, Hawaii Revised Statutes, there is a compelling
3 state interest in conserving state agricultural lands. The
4 legislature also recognizes that Act 211, Session Laws of Hawaii
5 2008, as amended by Act 196, Session Laws of Hawaii 2010,
6 established a taro security and purity task force that was
7 responsible for developing guidelines, protocols, and
8 recommendations for taro policy, among other duties. In a 2009
9 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The
10 Taro Lives; Abundance Returns to the Land), the task force
11 recommended improved protections for taro growing lands,
12 including loi (wet fields and terraces), mala (dry fields and
13 terraces), kuana or paepae pohaku (stone walls), and auwai
14 (irrigation ditches). The task force found that these key
15 structural elements for viable taro production were being
16 destroyed, severed, and built upon by private and public



1 development because of gaps in land use, historic preservation,
2 and planning laws and policies.

3 The purpose of this Act is to improve protections for
4 wetland taro lands and ancient agricultural structures on state
5 owned or acquired lands.

6 SECTION 2. Section 206-7, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) In declaring development areas, and acquiring land
9 therein, the board of land and natural resources shall avoid
10 disturbing existing uses that are in accord with the highest use
11 permitted under any existing zoning ordinance in the political
12 subdivision concerned. The board shall not disturb existing
13 taro-growing systems, ancient wetland taro lands, or structural
14 elements of ancient taro-growing systems.

15 (b) The board shall not acquire for development projects:

16 (1) Lands already developed and improved as business or
17 industrial areas where use of the lands for
18 residential purposes or as a part of a development
19 project would be economically unsound or where an
20 undue hardship would be suffered by the community
21 through loss of service because of the acquisition;



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1 (2) Lands already in use for residential purposes by the
2 owner thereof or by a lessee holding a lease with an
3 original term of twenty years or more, except where
4 the acquisition of parts of the lands is reasonably
5 necessary for the proper development of a project, but
6 in no case shall any part of the lands be taken where
7 the taking will reduce the parcel to less than three
8 acres in extent;

9 (3) Lands in the process of subdivision and development
10 where the owner or the owner's agent has provided that
11 at least fifty per cent of the lots to be sold shall
12 be sold in fee simple, prepared subdivision and
13 construction plans, arranged for financing, and
14 applied to government agencies and otherwise taken
15 steps that may be appropriate for the construction of
16 the proposed development in good faith and filed an
17 affidavit with the board to that effect; [~~or~~]

18 (4) Lands used or to be used as sites for churches,
19 private or parochial schools, clubs, meeting houses,
20 or other private uses of a community, civic, social,
21 or religious nature; or



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1 (5) Lands and infrastructure used or to be used for
2 wetland taro-growing, including ancient wetland taro
3 lands and structural elements of ancient taro-growing
4 systems;

5 provided that portions of the lands [~~mentioned under paragraphs~~
6 ~~(1), (2), (3), and (4),~~] described in this subsection, or
7 interests therein, may be taken to provide access and utility
8 easements where no other reasonable means of access or utility
9 easements are available."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:  _____



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Report Title:

BLNR; Agricultural Lands; Taro Land Protection

Description:

Prohibits the Board of Land and Natural Resources from disturbing or acquiring for development certain wetland taro-growing lands.

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