

Honolulu, Hawaii

April 3, 2012

RE: S.B. No. 2375  
S.D. 3  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred S.B. No. 2375, S.D. 3, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL-BASED COMMERCIAL OPERATIONS,"

begs leave to report as follows:

The purpose of this measure is to, among other things:

- (1) Permit producer owned and operated, agricultural-based commercial operations in agricultural districts;
- (2) Include as permissible agricultural-based operations:
  - (A) The preparation and sale of certain food grown on the premises or in the State by a producer owned and operated retail food establishment; and
  - (B) The sale of logo items related to a producer's agricultural operation; and
- (3) Include agricultural-based commercial operations under the definition of "farming operation" in the Hawaii Right to Farm Act, codified in chapter 165, Hawaii Revised Statutes.



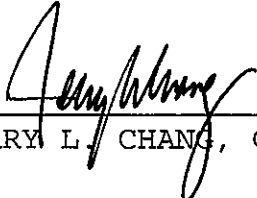
The Hawaii Farm Bureau Federation; Kahuku Farms, Matsuda-Fukuyama Farms, and Kahuku Farmers; and two individuals supported this measure. The Department of Agriculture supported the intent of this measure. The Department of Planning and Permitting of the City and County of Honolulu opposed this measure. An individual commented on this measure.

Your Committee has amended this measure by emphasizing that the definition of "farming operation" includes, but is not limited to:

- (1) Agricultural-based commercial operations;
- (2) Noises, odors, dust, and fumes emanating from a commercial agricultural or aquacultural facility or pursuit;
- (3) Operation of machinery and irrigation pumps;
- (4) Ground and aerial seeding and spraying;
- (5) The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and
- (6) The employment and use of labor.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2375, S.D. 3, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2375, S.D. 3, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, &  
Ocean Resources,

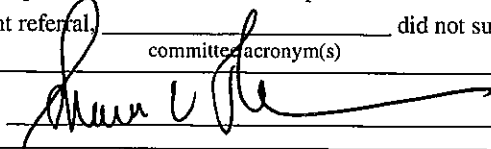
  
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JERRY L. CHANG, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR1502-12

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 2375, SD3, HD1	Committee Referral: AGR/ERB, WLO	Date: 3/30/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	X			
2. HAR, Sharon E. (VC)	X			
3. CABANILLA, Rida T.R.	X			
4. CARROLL, Mele				X
5. COFFMAN, Denny	X			
6. HERKES, Robert N.				X
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. NAKASHIMA, Mark M.	X			
10. RIVIERE, Gil	X			
11. THIELEN, Cynthia	X			
TOTAL (11)	9			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) _____				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				