

Honolulu, Hawaii

FEBRUARY 17, 2016

RE: H.B. No. 2091
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Agriculture and Tourism, to which was referred H.B. No. 2091 entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

beg leave to report as follows:

The purpose of this measure is to assist farmers in generating additional revenues from their bona fide farming operations by establishing statewide standards for agricultural tourism uses and activities in agricultural districts, including:

- (1) Clarifying that agricultural tourism uses or activities must be in conjunction with an existing bona fide farming operation;
- (2) Establishing minimum criteria and standards to qualify as a bona fide farming operation, including at least two years of prior farming operations, requirements for gross income derived from agricultural products on land used for agricultural tourism, and gross sales requirements that are dependent on whether overnight accommodations are provided;
- (3) Capping permissible duration of overnight accommodations at fewer than thirty consecutive days; and
- (4) Repealing existing directives to the counties relating to agricultural tourism and authorizing counties to adopt procedures and more restrictive standards and



requirements for permitting and regulating' agricultural tourism uses and activities.

The Department of Agriculture, Office of Planning, Kauai Kunana Dairy, and two concerned individuals supported this measure. The Hawaii Farm Bureau supported the intent of this measure. The City and County of Honolulu Department of Planning and Permitting, Land Use Research Foundation of Hawaii, Ho'omana Pono, LLC, and a concerned individual opposed this measure. The Land Use Commission submitted comments on this measure.

Your Committees have amended this measure by:

- (1) Changing its effective date to January 20, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committees request the Department of Agriculture, as this measure proceeds through the legislative process, to provide input on the purpose and basis for requiring a farm to be operational for at least two years to qualify as a bona fide farming operation. Further, your Committees encourage the Department of Agriculture and the Hawaii Farm Bureau to collaborate on this measure regarding the issues each party may have regarding agricultural tourism and actions that may be taken to support small farms.

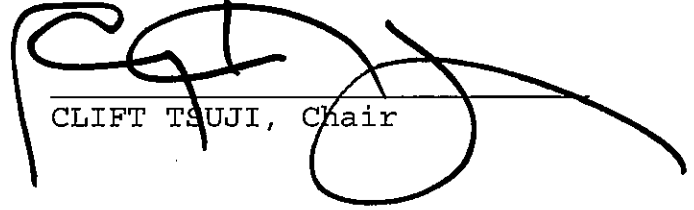
As affirmed by the records of votes of the members of your Committees on Agriculture and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2091, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2091, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Tourism,



TOM BROWER, Chair

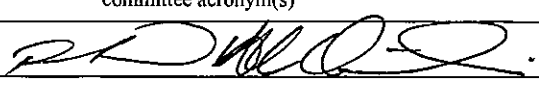


CLIFT TSUJI, Chair



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House of Representatives
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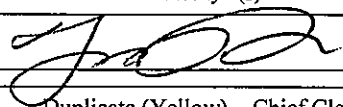
Record of Votes of the Committee on Agriculture

Bill/Resolution No.: HB 2091	Committee Referral: AGR/TOU, FIN	Date: 2/10/16		
<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)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	/			
2. ONISHI, Richard H.K. (VC)	/			
3. BROWER, Tom	/			
4. CACHOLA, Romy M.				/
5. CHOY, Isaac W.				/
6. DECOITE, Lynn				/
7. ITO, Ken				/
8. KAWAKAMI, Derek S.K.				/
9. KONG, Sam Satoru	/			
10. OHNO, Takashi	/			
11. TOKIOKA, James Kunane				/
12. WOODSON, Justin H.	/			
13. MATSUMOTO, Lauren Kealohilani	/			
14. WARD, Gene		/		
TOTAL (14)	7	1		6
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 333-16.

Record of Votes of the Committee on Tourism

Bill/Resolution No.: HB 2091	Committee Referral: AGR/TOU, FIN	Date: 2/10/2016		
<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)				
TOU Members	Ayes	Ayes (WR)	Nays	Excused
1. BROWER, Tom (C)	✓			
2. OHNO, Takashi (VC)	✓			
3. CACHOLA, Romy M.				✓
4. CHOY, Isaac W.				✓
5. DECOITE, Lynn				✓
6. ITO, Ken				✓
7. KAWAKAMI, Derek S.K.				✓
8. KONG, Sam Satoru	✓			
9. ONISHI, Richard H.K.	✓			
10. TOKIOKA, James Kunane				✓
11. TSUJI, Clift	✓			
12. WOODSON, Justin H.	✓			
13. MATSUMOTO, Lauren Kealohilani	✓			
14. WARD, Gene		✓		
TOTAL (14)	7	1	0	6
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 24pt; font-weight: bold;">  </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				