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## HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO REVIEW THE EFFECTIVENESS OF THE RELEVANT STATE LAWS GOVERNING AGRICULTURAL-BASED COMMERCIAL OPERATIONS.

1           WHEREAS, Act 113, Session Laws of Hawaii 2012 (Act 113),  
2 expanded the list of authorized activities in agricultural  
3 districts to include agricultural-based commercial operations,  
4 which allows for the display and sale of agricultural products  
5 grown in the State, value-added products that were produced  
6 using agricultural products grown in the State, food using  
7 products grown in the State or value-added products produced  
8 using agricultural products grown in the State, and logo items  
9 related to the producer's agricultural operations; and

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11           WHEREAS, the intent of Act 113 was to enable bona fide  
12 agricultural producers to remain profitable and continue to farm  
13 in the State by allowing producers to have additional income  
14 streams; and

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16           WHEREAS, pursuant to section 205-2(d)(15), Hawaii Revised  
17 Statutes, agricultural-based commercial operations include  
18 roadside stands, limited retail activities in an enclosed  
19 structure owned and operated by an agricultural producer,  
20 certain retail food establishments, farmers' markets, and food  
21 hubs; and

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23           WHEREAS, there is currently no requirement that an  
24 agricultural-based commercial operation display or sell a  
25 product produced on the subject property, only that they display  
26 or sell products grown somewhere in the State; and

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28           WHEREAS, this lack of nexus between the product sold by the  
29 agricultural-based commercial operation and the subject land  
30 allows for the abuse of the intent of Act 113, and may impede  
31 enforcement of state laws regulating agricultural-based  
32 commercial operations; and



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2 WHEREAS, as an example of this type of abuse of existing  
3 laws, a conditional use permit, which is now involved in a  
4 contested case, was granted to a landowner of fallow  
5 agricultural land to open three businesses, one to sell coffee  
6 and tea, one to sell sandwiches and pizza, and one to sell  
7 distilled products; and  
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9 WHEREAS, as an additional example of this type of abuse of  
10 existing laws, a conditional use permit, which is now involved  
11 in a contested case, to operate a zipline business was granted  
12 to a landowner in exchange for locating a few dozen sheep on a  
13 small portion of a large agricultural parcel; and  
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15 WHEREAS, at the February 7, 2024, hearing by the House  
16 Standing Committee on Agriculture on House Bill No. 2737, the  
17 Department of Agriculture acknowledged that there is potential  
18 for abuse of the intent of the laws regulating agricultural-  
19 based commercial operations; and  
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21 WHEREAS, representatives from the Department of Agriculture  
22 and relevant stakeholders have expressed an openness to  
23 participate in a review of the effectiveness and deficiencies of  
24 the laws regulating agricultural-based commercial operations;  
25 now, therefore,  
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27 BE IT RESOLVED by the House of Representatives of the  
28 Thirty-second Legislature of the State of Hawaii, Regular  
29 Session of 2024, that the Department of Agriculture is requested  
30 to convene a working group to review the effectiveness of the  
31 relevant State laws governing agricultural-based commercial  
32 operations; and  
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34 BE IT FURTHER RESOLVED that in convening the working group,  
35 the Department of Agriculture is requested to invite relevant  
36 stakeholders and agencies to participate in the working group,  
37 including but not limited to:  
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- 39 (1) County planning and agricultural departments;  
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41 (2) The Land Use Commission;  
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- 1 (3) The Hawaii Farm Bureau;
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- 3 (4) Hawaii Farmers United;
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- 5 (5) Producers who operate agricultural-based commercial
- 6 operations; and
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- 8 (6) Representatives from relevant community advocates and
- 9 organizations; and

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BE IT FURTHER RESOLVED that the Department of Agriculture is requested to submit a report of the working group's findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor; Chairperson of the Board of Agriculture; Mayors of the Counties of Maui, Kauai, and Hawaii; Mayor of the City and County of Honolulu; and Chairpersons of the Hawaii County Council, Honolulu City Council, Kauai County Council, and Maui County Council.

OFFERED BY:   
MAR 08 2024

