

STAND. COM. REP. NO.

1074

Honolulu, Hawaii

FEB 28 , 2025

RE: H.B. No. 966
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 966, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish statewide, uniform standards to promote agricultural tourism activities in the State for all counties that have adopted an agricultural tourism ordinance;
- (2) Require agricultural tourism activities to be registered by the respective county planning commission; and
- (3) Require agricultural tourism activities to coexist with an agricultural activity on a farming operation and provide for the termination of agricultural tourism activities upon the cessation of the agricultural activity.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i; Hawai'i Farm Bureau; Mahina Farms Maui, LLC; Grassroot Institute of Hawaii; Heavenly Hawaiian Farms; Hawaii Coffee Growers Association; and

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Maui Chamber of Commerce. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Agriculture; Office of Planning and Sustainable Development; Hawai'i Tourism Authority; and Hawaii Cattlemen's Council.

Your Committee finds that the lack of consistency in agricultural tourism permitting across the State creates significant barriers for farmers and ranchers, which hinders the growth of agricultural tourism and limits its potential as a revenue stream. The varying permitting processes, standards, and definitions across the counties cause confusion, disrupt business models, and exacerbate zoning and permitting challenges. This measure will streamline the approval process for permitting and ensure that agricultural tourism is integrated with ongoing agricultural operations by establishing uniform, statewide standards for agricultural tourism activities.

Your Committee has amended this measure by:

- (1) Deleting language that authorized agricultural tourism to include overnight accommodations;
- (2) Requiring agricultural tourism activities to be registered with the county planning department before commencement of the activity and requiring additional information for registration;
- (3) Providing that the authorization to conduct agricultural tourism activities shall not be terminated if the cessation of the agricultural activity is temporary and due to inclement weather, disease or pest infestation, market and supply chain disruptions, or change in crop type;
- (4) Deleting language that would have included agricultural tourism activities and roadside stands or retail activities in enclosed structures under agricultural-based commercial operations authorized in agricultural districts;
- (5) Authorizing, rather than requiring, agricultural districts to include areas that are not used for, or that are not suited to, agricultural and ancillary



activities by reason of topography, soils, and other related characteristics;

- (6) Reinstating language that defined plantation community subdivisions as an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation, for purposes of permitted uses within agricultural districts;
- (7) Reinstating language regarding minimum lot sizes in agricultural districts; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the Department of Agriculture testified that the deletion of language in a previous draft that prohibited revenue from all agriculture tourism activities from exceeding the revenue from the agricultural activity conducted on the farming operation could have served as an indicator that agricultural tourism activities are accessory and secondary to the principal agricultural use. According to the Department, without this language, there is no other objective indicator to ensure agricultural tourism activities are accessory and secondary to the principal agricultural use.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 966, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 966, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



