Honolulu, Hawaii

Feb 2, 2006

RE: H.B. No. 2145 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and Agriculture, to which was referred H.B. No. 2145 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," beg leave to report as follows:

The purpose of this bill is to promote agricultural tourism by:

- (1) Making qualifying agricultural tourism a permitted use in the agricultural district;
- (2) Allowing the counties to regulate agricultural tourism by ordinance, including the provision of overnight accommodations; and
- (3) Exempting permitted uses, including agricultural tourism, in the agricultural district from the requirement of an environmental assessment.

Kamehameha Schools, the Land Use Research Foundation of Hawaii, Hawaii Agriculture Research Center, and Gay & Robinson Tours LLC, testified in support of this bill. The Department of Agriculture, Office of Planning, Hawaii Tourism Authority, University of Hawaii College of Tropical Agriculture and Human Resources, and Hawaii Farm Bureau Federation supported this measure with amendments. The Sierra Club, Hawaii Chapter, opposed

this measure. The County of Hawaii Planning Department provided comments.

Your Committees note that questions and recommendations arose in decision-making regarding the counties' purported existing authority to permit eco-tourism, and whether the provisions of this measure should be made applicable only to those counties that have rules or ordinances in place that would enable appropriate regulation of agricultural tourism. Because representatives from county governments were not present at the hearing to meaningfully discuss these issues, your Committees will pursue this matter and ensure that these questions will be addressed by the Committee on Tourism & Culture.

Your Committees have amended this bill by:

- (1) Removing overnight accommodations from the list of accessory facilities the counties would be authorized to regulate;
- (2) Deleting the section that would have exempted permissible agricultural activities, including agricultural tourism, from the environment assessment requirements under Chapter 343, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2145, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2145, H.D. 1, and be referred to the Committee on Tourism & Culture.

STAND. COM. REP. NO. **25-06** Page 3

Respectfully submitted on behalf of the members of the Committees on Water, Land, & Ocean Resources and Agriculture,

FELIPE P. ABINSAY, JR., Chair

EZRA R. KANOHO, Chair

State of Hawaii House of Representatives The Twenty-third Legislature

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

Bill/Resolution No.: HB 2145	Date: 1/27/06					
Committee Referral: WLO/AGR, TAC	☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: • • Pass, unamended	Pass, with amendments					
□ Hold	□ Recommit					
WLO Members	Ayes	Ayes (WR)	Nays	Excused		
1. KANOHO, Ezra R. (C)						
2. SCHATZ, Brian (VC)						
3. BERG, Lyla B., Ph.D.			V			
4. CARROLL, Mele						
5. EVANS, Cindy						
6. HARBIN, Bev	✓					
7. MORITA, Hermina M.				V		
8. WATERS, Tommy		V				
9. MEYER, Colleen Rose 10. THIELEN, Cynthia				V		
10. THIELEN, Cynuna		V				
			,			
TOTAL	4	3	1	ス		
The recommendation is:			· · ·			
□ Not Adopted						
If joint referral,		did not suppo	ort recommendation	1.		
If joint referral, did not support recommendation.						
Vice Char's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						

State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Agriculture

Bill/Resolution No.: HB 2145						
Committee Referral: WLO/AGR, TAC		☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended	Pa Pa	Pass, with amendments Recommit				
☐ Hold	□ Re					
AGR Members	Ayes	Ayes (WR)	Nays	Excused		
1. ABINSAY, Felipe P., Jr. (C)	V					
2. TSUJI, Clift (VC)						
3. CHANG, Jerry L.				レ		
4. HERKES, Robert N.						
5. KARAMATSU, Jon Riki	<u> </u>					
6. MAGAOAY, Michael Y.	~					
7. WAKAI, Glenn	-					
8. YAMASHITA, Kyle T.	V					
9. HALFORD, Chris 10. STONEBRAKER, Bud				<u></u>		
TOTAL	4			4		
The recommendation is:						
☐ Not Adopted						
Vice Chair's or designee's signature:	committee acronym(did not suppo	ort recommendation	1.		
Distribution: Original (White) – Committee	Duplicate (Yellov	w) – Clerk's Office				