

STAND. COM. REP. NO. **308A**

Honolulu, Hawaii

APR 19 2024

RE: H.C.R. No. 161

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Commerce and Consumer Protection, to which was referred H.C.R. No. 161 entitled:

"HOUSE CONCURRENT 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,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Department of Agriculture to:

- (1) Convene a working group to review the effectiveness of the relevant state laws governing agricultural-based commercial operations; and
- (2) Submit a report of the working group's findings and recommendations to the Legislature before the Regular Session of 2025.

Your Committees received testimony in support of this measure from Keep the North Shore Country, Hui o Kamamanui, Hawaii's Thousand Friends, and one individual.

Your Committees received comments on this measure from the Department of Agriculture.



Your Committees find that there are a number of contested cases alleging the abuse of the intent of Act 113, Session Laws of Hawaii 2012, (Act 113) by agricultural-based commercial operations on agricultural lands that do not necessarily support the agricultural production of those land. According to testimony received by your Committees, these commercial operations sidestep county planning considerations, defy statewide efforts to protect agricultural land for agricultural production, and ultimately harm farmers by competing for precious land. Your Committees note that the purpose of this measure is to request more information on the issue while acknowledging that the Department of Agriculture does not have the regulatory authority within agricultural districts to enforce or make changes that the working group may recommend. The review of relevant state laws governing agricultural-based commercial operations requested by this measure ensures the intent of Act 113 to enable bona fide agricultural producers to continue to farm in the State and remain profitable.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce and Consumer Protection that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 161, and recommend its adoption.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Environment and Commerce and Consumer Protection,



JARRETT KEOHOKALOLE, Chair



MIKE GABBARD, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <b>HCR 161</b> <del>██████</del>	Committee Referral: <b>AEN/CPN</b>	Date: <b>04/17/24</b>
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The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312   
  Pass, with amendments 2311   
  Hold 2310   
  Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	<del>X</del>			
RICHARDS, III, Herbert M. "Tim" (VC)	<del>X</del>			
DECOITE, Lynn				X
RHOADS, Karl	X			
AWA, Brenton				X
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>

Recommendation:  Adopted     Not Adopted


Chair's or Designee's Signature: 

**Distribution:**    Original                      Yellow                      Pink                      Goldenrod  
 File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy

\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>HCR 161</b>	Committee Referral: <b>AEN/CPN</b>	Date: <b>4/17/24</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton				✓
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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