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# A BILL FOR AN ACT

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RELATING TO AGRICULTURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Section 166-2, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of "agricultural activities" to read:

"Agricultural [~~activities~~] purposes" means the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees, including tree farms."

2. By amending the definition of "aquacultural activities" to read:

"Aquacultural [~~activities~~] purposes" means the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment; provided that such farm or ranch is on or directly adjacent to land."

SECTION 2. Section 166-3.5, Hawaii Revised Statutes, is amended to read as follows:



1        "[+]§166-3.5[+] **Commercial activity.** The department may  
2 allow, in each of its existing and future agricultural parks,  
3 the disposition of no more than two lots within an agricultural  
4 park for the processing, marketing, and displaying of  
5 agricultural crops or commodities, which shall include any  
6 product created through value-added processes as defined by  
7 rules adopted by the board. The department may allow the  
8 disposition of lots for commercial activity pursuant to this  
9 section after the initial development of an agricultural park  
10 and regardless of whether the legislative body of the county in  
11 which the agricultural park is situated approved plans and  
12 specifications for the future disposition of lots for commercial  
13 activity pursuant to this section, unless the final plans and  
14 specifications for the agricultural park contained prohibitions  
15 or conditions on such future dispositions of lots for commercial  
16 activity.

17        The department shall allow agricultural-based commercial  
18 venture operations that may sell to the general public; provided  
19 that any such lots shall be leased and operated by an  
20 agricultural park lessee in good standing with the department."



SECTION 3. Section 166-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any provision of this chapter to the contrary notwithstanding, the board may by negotiation, drawing of lot, or public auction, directly dispose of public lands and related facilities set aside and designated for use as agricultural parks, and any other lands and facilities under the jurisdiction of the department pursuant to section 166-3 and notwithstanding chapter 171. Except as provided by subsection (c), dispositions may be by lease and shall be subject to the requirements set forth in rules adopted by the board in conformity with section 166-9, and subject also to the following limitations:

(1) The property shall be disposed of for agricultural or aquacultural purposes only; except that in any agricultural park that has more than fifty lots and is located in a county with a population of more than 200,000 but less than 300,000, the property may also be disposed of for the care and production of swine and swine products only using Korean natural farming;

(2) The lessee shall derive the major portion of the lessee's total annual income from the lessee's



1 activities on the premises; provided that this  
2 restriction shall not apply if failure to meet the  
3 restriction results from mental or physical disability  
4 or the loss of a spouse, or if the premises are fully  
5 utilized in the production of crops or products for  
6 which the disposition was granted;

7 (3) The lessee shall comply with all federal and state  
8 laws regarding environmental quality control;

9 (4) The board shall determine the specific uses for which  
10 the disposition is intended; parcel the land into  
11 minimum size economic units sufficient for the  
12 intended uses; make, or require the lessee to make  
13 improvements as are required to achieve the intended  
14 uses; set the upset price or lease rent based upon an  
15 appraised evaluation of the property value adjustable  
16 as provided in rules adopted in accordance with  
17 chapter 91 to the specified use of the lot; set the  
18 term of the lease, which shall be not less than  
19 fifteen years nor more than fifty-five years,  
20 including any extension granted for mortgage lending  
21 or guarantee purposes; and establish other terms and



1 conditions as it may deem necessary, including but not  
2 limited to restrictions against alienation and  
3 provisions for withdrawal by the board;

4 (5) No lease shall be made to any person who is in arrears  
5 in the payment of taxes, rents, or other obligations  
6 owing the State or any county; and

7 (6) Any transferee, assignee, or sublessee of an  
8 agricultural park lease shall first qualify as an  
9 applicant under this chapter. For the purpose of this  
10 paragraph, any transfer, assignment, sale, or other  
11 disposition of any interest, excluding a security  
12 interest, of any legal entity which holds an  
13 agricultural park lease shall be treated as a transfer  
14 of the agricultural park lease and shall be subject to  
15 the approval of the board [~~of agriculture and~~  
16 ~~biosecurity~~] upon reasonable terms and conditions, not  
17 inconsistent with this chapter or rules of the board,  
18 which the board may deem necessary. No transfer shall  
19 be approved by the board if the disposition of the  
20 stock, or assets or other interest of the legal entity



1           would result in the failure of the entity to qualify  
2           for an agricultural park lease.

3           For the purposes of this subsection, "Korean natural  
4   farming" means a self-sufficient farming system that involves  
5   the culturing of indigenous microorganisms in place of inorganic  
6   fertilizers to produce fertile soil."

7           SECTION 4. Statutory material to be repealed is bracketed  
8   and stricken. New statutory material is underscored.

9           SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Agricultural Parks; Disposition; Commercial Activity; Swine;  
Swine Products

**Description:**

Clarifies that the disposition of agricultural park lots for commercial activity may occur after the initial development of the agricultural park and regardless of whether the applicable county council approved plans and specifications for the future disposition of lots for commercial activity, with certain exceptions. Authorizes the care and production of swine and swine products within certain agricultural parks and under certain conditions. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

