
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

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

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

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

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

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

16 SECTION 2. Section 166-3.5, Hawaii Revised Statutes, is
17 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 future dispositions of lots for commercial
16 activity; provided that the department shall provide notice to,
17 and consult with, the applicable county before approving new
18 commercial activities within an agricultural park, including an
19 opportunity for county comment, to ensure local input.

20 The department shall allow agricultural-based commercial
21 venture operations that may sell to the general public; provided



1 that any [~~such~~] lots shall be leased and operated by an
2 agricultural park lessee in good standing with the department."

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

5 "(a) Any provision of this chapter to the contrary
6 notwithstanding, the board may by negotiation, drawing of lot,
7 or public auction, directly dispose of public lands and related
8 facilities set aside and designated for use as agricultural
9 parks, and any other lands and facilities under the jurisdiction
10 of the department pursuant to section 166-3 and notwithstanding
11 chapter 171. Except as provided by subsection (c), dispositions
12 may be by lease and shall be subject to the requirements set
13 forth in rules adopted by the board in conformity with section
14 166-9, and subject also to the following limitations:

15 (1) The property shall be disposed of for agricultural or
16 aquacultural purposes only; except that in any
17 agricultural park that has more than fifty lots and is
18 located in a county with a population of more than two
19 hundred thousand but less than three hundred thousand,
20 the property may also be disposed of for the care and



1 production of swine and swine products only using
2 Korean natural farming;

3 (2) The lessee shall derive the major portion of the
4 lessee's total annual income from the lessee's
5 activities on the premises; provided that this
6 restriction shall not apply if failure to meet the
7 restriction results from mental or physical disability
8 or the loss of a spouse, or if the premises are fully
9 utilized in the production of crops or products for
10 which the disposition was granted;

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

13 (4) The board shall determine the specific uses for which
14 the disposition is intended; parcel the land into
15 minimum size economic units sufficient for the
16 intended uses; make, or require the lessee to make
17 improvements as are required to achieve the intended
18 uses; set the upset price or lease rent based upon an
19 appraised evaluation of the property value adjustable
20 as provided in rules adopted in accordance with
21 chapter 91 to the specified use of the lot; set the



1 term of the lease, which shall be not less than
2 fifteen years nor more than fifty-five years,
3 including any extension granted for mortgage lending
4 or guarantee purposes; and establish other terms and
5 conditions as it may deem necessary, including but not
6 limited to restrictions against alienation and
7 provisions for withdrawal by the board;

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

11 (6) Any transferee, assignee, or sublessee of an
12 agricultural park lease shall first qualify as an
13 applicant under this chapter. For the purpose of this
14 paragraph, any transfer, assignment, sale, or other
15 disposition of any interest, excluding a security
16 interest, of any legal entity which holds an
17 agricultural park lease shall be treated as a transfer
18 of the agricultural park lease and shall be subject to
19 the approval of the board [~~of agriculture and~~
20 ~~biosecurity~~] upon reasonable terms and conditions, not
21 inconsistent with this chapter or rules of the board,



1 which the board may deem necessary. No transfer shall
2 be approved by the board if the disposition of the
3 stock, or assets or other interest of the legal entity
4 would result in the failure of the entity to qualify
5 for an agricultural park lease.

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

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 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. (SD1)

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

