

JAN 21 2026

A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that the State possesses
2 a rich ranching history and cowboy culture preceding that of the
3 American west. In 1793, Captain James Vancouver presented
4 Kamehameha I with six cows and a bull. Kamehameha I placed a
5 kapu on the cattle to prevent them from being hunted or killed.
6 Over time, the herd flourished and turned feral, becoming a
7 nuisance to Native Hawaiians. Cattle would rampage through
8 villages and destroy crops, eat the thatch off the roofs of
9 houses, and occasionally hurt or kill people. In 1832,
10 Kamehameha III sent one of his chiefs to Alta California, to
11 enlist cowboys who could teach his people how to work cattle.
12 The chief returned with three vaqueros who taught aspiring
13 Native Hawaiian cowboys to rope, slaughter, and breed cattle;
14 cure hides; construct fences and paddocks; and ride horses.
15 Native Hawaiians took quickly to the skills and techniques that
16 the vaqueros introduced. Native Hawaiian cowboys, known as
17 paniolo, iterated on these skills and techniques, creating a



1 distinct Hawaiian cowboy culture. Paniolo crafted their saddles
2 and gear in a style unique to them, created their own genre of
3 music accompanied by the guitar and ukulele, and also developed
4 a singular Hawaiian style of open-tuning for the guitar called
5 kihoalu, or slack key.

6 The legislature further finds that in 1908, three paniolo,
7 Ikua Purdy, Archie Kaaua, and Jack Low traveled to Cheyenne,
8 Wyoming, to compete in the biggest rodeo at the time, Frontier
9 Days. In the world championship finals, Ikua Purdy won the
10 steer-roping contest in fifty-six seconds, Archie Kaaua came
11 second, and Jack Low came sixth. The paniolo shocked much of
12 the American public with their victory over many of America's
13 best cowboys. When the three paniolo returned to Hawaii, they
14 were hailed as heroes with poetry and hula being composed in
15 their honor.

16 Therefore, the purpose of this Act is to honor the State's
17 rich ranching and paniolo culture by authorizing rodeos on lands
18 zoned for agricultural use.

19 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"\$205-4.5 Permissible uses within the agricultural**
2 **districts.** (a) Within the agricultural district, all lands
3 with soil classified by the land study bureau's detailed land
4 classification as overall (master) productivity rating class A
5 or B and for solar energy facilities, class B or C, shall be
6 restricted to the following permitted uses:
7 (1) Cultivation of crops, including crops for bioenergy,
8 flowers, vegetables, foliage, fruits, forage, and
9 timber;
10 (2) Game and fish propagation;
11 (3) Raising of livestock, including poultry, bees, fish,
12 or other animal or aquatic life that are propagated
13 for economic or personal use;
14 (4) Farm dwellings, employee housing, farm buildings, or
15 activities or uses related to farming and animal
16 husbandry. For the purposes of this paragraph, "farm
17 dwelling" means a single-family dwelling located on
18 and accessory to a farm, including clusters of
19 single-family farm dwellings permitted within
20 agricultural parks developed by the State, or where



1 agricultural activity provides income to the family
2 occupying the dwelling;

3 (5) Public institutions and buildings that are necessary
4 for agricultural practices;

5 (6) Public and private open area types of recreational
6 uses, including day camps, picnic grounds, parks,
7 [and] riding stables, and rodeos or rodeo activities
8 as defined in subsection (g), but not including
9 dragstrips, airports, drive-in theaters, golf courses,
10 golf driving ranges, country clubs, and overnight
11 camps; provided that overnight camps in operation
12 before January 1, 1961, may be approved by special
13 permit;

14 (7) Public, private, and quasi-public utility lines and
15 roadways, transformer stations, communications
16 equipment buildings, solid waste transfer stations,
17 major water storage tanks, and appurtenant small
18 buildings such as booster pumping stations, but not
19 including offices or yards for equipment, material,
20 vehicle storage, repair or maintenance, treatment



1 plants, corporation yards, or other similar
2 structures;

3 (8) Retention, restoration, rehabilitation, or improvement
4 of buildings or sites of historic or scenic interest;

5 (9) Agricultural-based commercial operations as described
6 in section 205-2(d) (15);

7 (10) Buildings and uses, including mills, storage, and
8 processing facilities, maintenance facilities,
9 photovoltaic, biogas, and other small-scale renewable
10 energy systems producing energy solely for use in the
11 agricultural activities of the fee or leasehold owner
12 of the property, and vehicle and equipment storage
13 areas that are normally considered directly accessory
14 to the above-mentioned uses and are permitted under
15 section 205-2(d);

16 (11) Agricultural parks;

17 (12) Plantation community subdivisions, which as used in
18 this chapter means an established subdivision or
19 cluster of employee housing, community buildings, and
20 agricultural support buildings on land currently or
21 formerly owned, leased, or operated by a sugar or



pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:

(A) The employee housing is occupied by employees or former employees of the plantation who have a property interest in the land:

(B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or

(C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;

(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; provided further that this paragraph shall



1 apply only to a county that has adopted ordinances
2 regulating agricultural tourism under section 205-5;

3 (14) Agricultural tourism activities, including overnight
4 accommodations of twenty-one days or less, for any one
5 stay within a county; provided that this paragraph
6 shall apply only to a county that includes at least
7 three islands and has adopted ordinances regulating
8 agricultural tourism activities pursuant to section
9 205-5; provided further that the agricultural tourism
10 activities coexist with a bona fide agricultural
11 activity. For the purposes of this paragraph, "bona
12 fide agricultural activity" means a farming operation
13 as defined in section 165-2;

14 (15) Wind energy facilities, including the appurtenances
15 associated with the production and transmission of
16 wind generated energy; provided that the wind energy
17 facilities and appurtenances are compatible with
18 agriculture uses and cause minimal adverse impact on
19 agricultural land;

20 (16) Biofuel processing facilities, including the
21 appurtenances associated with the production and



1 refining of biofuels that is normally considered
2 directly accessory and secondary to the growing of the
3 energy feedstock; provided that biofuel processing
4 facilities and appurtenances do not adversely impact
5 agricultural land and other agricultural uses in the
6 vicinity.

7 For the purposes of this paragraph:

8 "Appurtenances" means operational infrastructure
9 of the appropriate type and scale for economic
10 commercial storage and distribution, and other similar
11 handling of feedstock, fuels, and other products of
12 biofuel processing facilities.

13 "Biofuel processing facility" means a facility
14 that produces liquid or gaseous fuels from organic
15 sources such as biomass crops, agricultural residues,
16 and oil crops, including palm, canola, soybean, and
17 waste cooking oils; grease; food wastes; and animal
18 residues and wastes that can be used to generate
19 energy;

20 (17) Agricultural-energy facilities, including
21 appurtenances necessary for an agricultural-energy



1 enterprise; provided that the primary activity of the
2 agricultural-energy enterprise is agricultural
3 activity. To be considered the primary activity of an
4 agricultural-energy enterprise, the total acreage
5 devoted to agricultural activity shall be [not] not
6 less than ninety per cent of the total acreage of the
7 agricultural-energy enterprise. The
8 agricultural-energy facility shall be limited to lands
9 owned, leased, licensed, or operated by the entity
10 conducting the agricultural activity.

11 [As used in] For the purposes of this paragraph:

12 "Agricultural activity" means any activity
13 described in paragraphs (1) to (3) of this subsection.

14 "Agricultural-energy enterprise" means an
15 enterprise that integrally incorporates an
16 agricultural activity with an agricultural-energy
17 facility.

18 "Agricultural-energy facility" means a facility
19 that generates, stores, or distributes renewable
20 energy as defined in section 269-91 or renewable fuel
21 including electrical or thermal energy or liquid or



1 gaseous fuels from products of agricultural activities
2 from agricultural lands located in the State.

3 "Appurtenances" means operational infrastructure
4 of the appropriate type and scale for the economic
5 commercial generation, storage, distribution, and
6 other similar handling of energy, including equipment,
7 feedstock, fuels, and other products of
8 agricultural-energy facilities;

9 (18) Construction and operation of wireless communication
10 antennas, including small wireless facilities;
11 provided that, for the purposes of this paragraph,
12 "wireless communication antenna" means communications
13 equipment that is either freestanding or placed upon
14 or attached to an already existing structure and that
15 transmits and receives electromagnetic radio signals
16 used in the provision of all types of wireless
17 communications services; provided further that "small
18 wireless facilities" shall have the same meaning as
19 defined in section 206N-2; provided further that
20 nothing in this paragraph shall be construed to permit



the construction of any new structure that is not
deemed a permitted use under this subsection;

(19) Agricultural education programs conducted on a farming
operation as defined in section 165-2, for the
education and participation of the general public;
provided that the agricultural education programs are
accessory and secondary to the principal agricultural
use of the parcels or lots on which the agricultural
education programs are to occur and do not interfere
with surrounding farm operations. For the purposes of
this paragraph, "agricultural education programs"
means activities or events designed to promote
knowledge and understanding of agricultural activities
and practices conducted on a farming operation as
defined in section 165-2;

(20) Solar energy facilities that do not occupy more than
ten per cent of the acreage of the parcel, or twenty
acres of land, whichever is lesser or for which a
special use permit is granted pursuant to section
205-6; provided that this use shall not be permitted
on lands with soil classified by the land study



1 bureau's detailed land classification as overall
2 (master) productivity rating class A;

3 (21) Solar energy facilities on lands with soil classified
4 by the land study bureau's detailed land
5 classification as overall (master) productivity rating
6 B or C for which a special use permit is granted
7 pursuant to section 205-6; provided that:

8 (A) The area occupied by the solar energy facilities
9 is also made available for compatible
10 agricultural activities at a lease rate that is
11 at least fifty per cent below the fair market
12 rent for comparable properties;

13 (B) Proof of financial security to decommission the
14 facility is provided to the satisfaction of the
15 appropriate county planning commission before the
16 date of commencement of commercial generation;
17 and

18 (C) Solar energy facilities shall be decommissioned
19 at the owner's expense according to the following
20 requirements:



9 For the purposes of this paragraph, "agricultural
10 activities" means the activities described in
11 paragraphs (1) to (3);
12 (22) Geothermal resources exploration and geothermal
13 resources development, as defined under section 182-1;
14 (23) Hydroelectric facilities, including the appurtenances
15 associated with the production and transmission of
16 hydroelectric energy, subject to section 205-2;
17 provided that the hydroelectric facilities and their
18 appurtenances:
19 (A) Shall consist of a small hydropower facility as
20 defined by the United States Department of
21 Energy, including:





1 by the ground water sources or streams for which
2 hydroelectric facilities are considered; or

3 (24) Notwithstanding any other law to the contrary,
4 composting and co-composting operations; provided that
5 operations that process their own green waste and do
6 not require permits from the department of health
7 shall use the finished composting product only on the
8 operation's own premises to minimize the potential
9 spread of invasive species.

10 (b) Uses not expressly permitted in subsection (a),
11 including landfill units, as defined in section 342H-52, located
12 on land within the agricultural district that has soil
13 classified by the land study bureau's detailed land
14 classification as overall (master) productivity rating class A
15 in a county with a population greater than five hundred
16 thousand, shall be prohibited, except the uses permitted as
17 provided in sections 205-6 and 205-8, and construction of
18 single-family dwellings on lots existing before June 4, 1976.
19 Any other law to the contrary notwithstanding, no subdivision of
20 land within the agricultural district with soil classified by
21 the land study bureau's detailed land classification as overall



1 (master) productivity rating class A or B shall be approved by a
2 county unless those A and B lands within the subdivision are
3 made subject to the restriction on uses as prescribed in this
4 section and to the condition that the uses shall be primarily in
5 pursuit of an agricultural activity.

6 Any deed, lease, agreement of sale, mortgage, or other
7 instrument of conveyance covering any land within the
8 agricultural subdivision shall expressly contain the restriction
9 on uses and the condition, as prescribed in this section, that
10 these restrictions and conditions shall be encumbrances running
11 with the land until the land is reclassified to a land use
12 district other than an agricultural district.

13 If the foregoing requirement of encumbrances running with
14 the land jeopardizes the owner or lessee in obtaining mortgage
15 financing from any of the mortgage lending agencies set forth in
16 the following paragraph, and the requirement is the sole reason
17 for failure to obtain mortgage financing, then the requirement
18 of encumbrances shall, insofar as the mortgage financing is
19 jeopardized, be conditionally waived by the appropriate county
20 enforcement officer; provided that the conditional waiver shall



1 become effective only in the event that the property is
2 subjected to foreclosure proceedings by the mortgage lender.

3 The mortgage lending agencies referred to in the preceding
4 paragraph are the Federal Housing Administration, Federal
5 National Mortgage Association, Department of Veterans Affairs,
6 Small Business Administration, United States Department of
7 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate
8 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any
9 other federal, state, or private mortgage lending agency
10 qualified to do business in Hawaii, and their respective
11 successors and assigns.

12 (c) Within the agricultural district, all lands with soil
13 classified by the land study bureau's detailed land
14 classification as overall (master) productivity rating class C,
15 D, E, or U shall be restricted to the uses permitted for
16 agricultural districts as set forth in section 205-5(b).

17 (d) Notwithstanding any other provision of this chapter to
18 the contrary, golf courses and golf driving ranges approved by a
19 county before July 1, 2005, for development within the
20 agricultural district shall be permitted uses within the
21 agricultural district.



5 (f) Notwithstanding any other law to the contrary,
6 agricultural lands may be subdivided and leased for the
7 agricultural uses or activities permitted in subsection (a);
8 provided that:

9 (1) The principal use of the leased land is agriculture;

10 (2) No permanent or temporary dwellings or farm dwellings,

11 including trailers and campers, are constructed on the

12 leased area. This restriction shall not prohibit the

13 construction of storage sheds, equipment sheds, or

14 other structures appropriate to the agricultural

15 activity carried on within the lot; provided that any

16 violation of this paragraph shall be subject to county

17 enforcement authority and fines pursuant to sections

18 46-4, 205-12, and 205-13; and

19 (3) The lease term for a subdivided lot shall be for at

20 least as long as the greater of:



19 (1) Activities that demonstrate, train, or competitively
20 apply livestock-handling and horsemanship skills



1 associated with ranching, cattle management, and
2 paniolo traditions, including:

3 (A) Competitive or demonstration events utilizing
4 livestock- and equestrian-based competitions or
5 exhibitions that reflect customary ranching
6 practices, including team roping, breakaway
7 roping, calf or steer roping, and related timed
8 roping events;

9 (B) Riding events, including saddle bronc, bareback,
10 bull riding, ranch bronc riding, and related
11 livestock-mounted competitions;

12 (C) Saddle bronc riding, bareback riding, bull
13 riding, ranch bronc riding, and other mounted or
14 livestock-interaction events;

15 (D) Barrel racing, pole bending, mounted agility
16 competitions, and similar speed events; and

17 (E) Steer wrestling, ranch sorting, cattle penning,
18 and other demonstrations of practical livestock
19 management proficiency;

20 (2) Ancillary functions necessary for the safe, humane,
21 and effective conduct of rodeo events, including:



1 (A) Veterinary care, livestock inspection, feeding,
2 watering, conditioning, and temporary stabling or
3 penning;
4 (B) Transportation, staging, and handling of
5 livestock before, during, and after events; and
6 (C) Construction, maintenance, installation, or
7 temporary placement of chutes, arenas, corrals,
8 fencing, livestock enclosures, and other
9 infrastructure reasonably required for event
10 operations;
11 (3) Support functions essential to organizing and hosting
12 rodeo events, including:
13 (A) Event management, setup, administration, and
14 post-event restoration;
15 (B) Accessory spectator facilities such as parking
16 areas, seating, concessions, restroom facilities,
17 and safety stations; provided that the facilities
18 remain subordinate to, and supportive of, the
19 principal rodeo use; and
20 (C) Participation by vendors, cultural practitioners,
21 and agricultural organizations when incidental



1 and reasonably related to the rodeo or when
2 agricultural, ranching, or paniolo heritage is
3 promoted; and
4 (4) Any educational, cultural, ceremonial, or
5 community-based activity associated with the State's
6 paniolo history, ranching traditions, livestock
7 stewardship, and equestrian culture, including
8 demonstrations, exhibitions, cultural protocols,
9 community gatherings, or heritage programming
10 conducted as part of or in connection with rodeos."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY:

Brent W. Petersen 10



S.B. NO. 2161

Report Title:

Department of Agriculture and Biosecurity; Department of land and Natural Resources; Land Use; Rodeos; Rodeo Activities

Description:

Authorizes rodeos and rodeo activities on lands that are zoned for agricultural use. Defines the term "rodeo and rodeo activities".

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