
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, honed these skills and techniques, creating a distinct



1 Hawaiian cowboy culture. Paniolo crafted their saddles and gear
2 in a style unique to them; created their own genre of music
3 accompanied by the guitar and ukulele; and also developed a
4 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 placed
11 second, and Jack Low placed 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 and
18 rodeo activities on:

19 (1) Lands owned, managed, controlled, or leased by the
20 department of agriculture and biosecurity within
21 agricultural and non-agricultural parks;



- 1 (2) Lands within the agricultural district, including
- 2 lands with class A or B soils;
- 3 (3) Public lands owned, managed, controlled, or leased by
- 4 the department of land and natural resources; and
- 5 (4) Lands encumbered under the authority of the board of
- 6 land and natural resources,
- 7 that are zoned for agricultural or pastoral use.

8 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
 9 amended by adding a new section to part II to be appropriately
 10 designated and to read as follows:

11 "§171- Rodeo or rodeo activities. Rodeo or rodeo
 12 activities, as defined in section 205- , shall be allowed to
 13 be conducted on public lands owned, managed, controlled, or
 14 leased by the department and on lands encumbered under the
 15 authority of the board that are zoned for agricultural or
 16 pastoral use."

17 SECTION 3. Chapter 205, Hawaii Revised Statutes, is
 18 amended by adding a new section to part I to be appropriately
 19 designated and to read as follows:

20 "§205- Definitions. As used in this part, unless the
 21 context requires otherwise:



1 "Rodeo or rodeo activities" means a structured, organized,
2 and permitted agricultural, equestrian, or cultural event that
3 includes but is not limited to:

4 (1) Activities that demonstrate, train, or competitively
5 apply livestock-handling and horsemanship skills
6 associated with ranching, cattle management, and
7 paniolo traditions, including:

8 (A) Competitive or demonstration events using
9 livestock- and equestrian-based competitions or
10 exhibitions that reflect customary ranching
11 practices, including team roping, breakaway
12 roping, calf or steer roping, and related timed
13 roping events;

14 (B) Riding events, including saddle bronc, bareback,
15 bull riding, ranch bronc riding, and related
16 livestock-mounted competitions;

17 (C) Saddle bronc riding, bareback riding, bull
18 riding, ranch bronc riding, and other mounted or
19 livestock-interaction events;

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



1 and safety stations; provided that the facilities
2 remain subordinate to, and supportive of, the
3 principal rodeo use; and

4 (C) Participation by vendors, cultural practitioners,
5 and agricultural organizations when incidental
6 and reasonably related to the rodeo or when
7 agricultural, ranching, or paniolo heritage is
8 promoted; and

9 (4) Any educational, cultural, ceremonial, or
10 community-based activity associated with the State's
11 paniolo history, ranching traditions, livestock
12 stewardship, and equestrian culture, including
13 demonstrations, exhibitions, cultural protocols,
14 community gatherings, or heritage programming
15 conducted as part of or in connection with rodeos."

16 SECTION 4. Section 166-2, Hawaii Revised Statutes, is
17 amended by amending the definition of "agricultural activities"
18 to read as follows:

19 ""Agricultural activities" means the care and production of
20 livestock, livestock products, poultry, or poultry products, or
21 apiary, horticultural, or floricultural products [~~7-01~~]; the



1 planting, cultivating, and harvesting of crops or trees,
2 including tree farms[-]; or the conducting of rodeos or rodeo
3 activities, as defined in section 205- , on land zoned for
4 agricultural or pastoral use."

5 SECTION 5. Section 166E-2, Hawaii Revised Statutes, is
6 amended by amending the definition of "agricultural activities"
7 to read as follows:

8 "Agricultural activities" means the care and production of
9 livestock, livestock products, poultry, or poultry products, or
10 apiary, horticultural, or floricultural products[~~-or~~]; the
11 planting, cultivating, and harvesting of crops or trees[-]; or
12 the conducting of rodeos or rodeo activities, as defined in
13 section 205- , on land zoned for agricultural or pastoral
14 use."

15 SECTION 6. Section 205-2, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) Agricultural districts shall include:

18 (1) Activities or uses as characterized by the cultivation
19 of crops, crops for bioenergy, orchards, forage, and
20 forestry;



- 1 (2) Farming activities or uses related to animal husbandry
2 and game and fish propagation;
- 3 (3) Aquaculture, which means the production of aquatic
4 plant and animal life within ponds and other bodies of
5 water;
- 6 (4) Wind-generated energy production for public, private,
7 and commercial use;
- 8 (5) Biofuel production, as described in section 205-
9 4.5(a)(16), for public, private, and commercial use;
- 10 (6) Solar energy facilities; provided that:
- 11 (A) This paragraph shall apply only to land with soil
12 classified by the land study bureau's detailed
13 land classification as overall (master)
14 productivity rating class B, C, D, or E; and
- 15 (B) Solar energy facilities placed within land with
16 soil classified as overall productivity rating
17 class B or C shall not occupy more than ten per
18 cent of the acreage of the parcel, or twenty
19 acres of land, whichever is lesser, unless a
20 special use permit is granted pursuant to section
21 205-6;



- 1 (7) Bona fide agricultural services and uses that support
2 the agricultural activities of the fee or leasehold
3 owner of the property and accessory to any of the
4 above activities, regardless of whether conducted on
5 the same premises as the agricultural activities to
6 which they are accessory, including farm dwellings as
7 defined in section 205-4.5(a)(4), employee housing,
8 farm buildings, mills, storage facilities, processing
9 facilities, photovoltaic, biogas, and other small-
10 scale renewable energy systems producing energy solely
11 for use in the agricultural activities of the fee or
12 leasehold owner of the property, agricultural-energy
13 facilities as defined in section 205-4.5(a)(17),
14 vehicle and equipment storage areas, and plantation
15 community subdivisions as defined in section 205-
16 4.5(a)(12);
- 17 (8) Wind machines and wind farms;
- 18 (9) Small-scale meteorological, air quality, noise, and
19 other scientific and environmental data collection and
20 monitoring facilities occupying less than one-half
21 acre of land; provided that these facilities shall not



1 be used as or equipped for use as living quarters or
2 dwellings;

3 (10) Agricultural parks;

4 (11) Agricultural tourism conducted on a working farm, or a
5 farming operation as defined in section 165-2, for the
6 enjoyment, education, or involvement of visitors;
7 provided that the agricultural tourism activity is
8 accessory and secondary to the principal agricultural
9 use and does not interfere with surrounding farm
10 operations; provided further that this paragraph shall
11 apply only to a county that has adopted ordinances
12 regulating agricultural tourism under section 205-5;

13 (12) Agricultural tourism activities, including overnight
14 accommodations of twenty-one days or less, for any one
15 stay within a county; provided that this paragraph
16 shall apply only to a county that includes at least
17 three islands and has adopted ordinances regulating
18 agricultural tourism activities pursuant to section
19 205-5; provided further that the agricultural tourism
20 activities coexist with a bona fide agricultural
21 activity. For the purposes of this paragraph, "bona



- 1 fide agricultural activity" means a farming operation
2 as defined in section 165-2;
- 3 (13) Open area recreational facilities;
- 4 (14) Geothermal resources exploration and geothermal
5 resources development, as defined under section 182-1;
- 6 (15) Agricultural-based commercial operations registered in
7 Hawaii, including:
- 8 (A) A roadside stand that is not an enclosed
9 structure, owned and operated by a producer for
10 the display and sale of agricultural products
11 grown in Hawaii and value-added products that
12 were produced using agricultural products grown
13 in Hawaii;
- 14 (B) Retail activities in an enclosed structure owned
15 and operated by a producer for the display and
16 sale of agricultural products grown in Hawaii,
17 value-added products that were produced using
18 agricultural products grown in Hawaii, logo items
19 related to the producer's agricultural
20 operations, and other food items;



- 1 (C) A retail food establishment owned and operated by
2 a producer and permitted under chapter 11-50,
3 Hawaii administrative rules, that prepares and
4 serves food at retail using products grown in
5 Hawaii and value-added products that were
6 produced using agricultural products grown in
7 Hawaii;
- 8 (D) A farmers' market, which is an outdoor market
9 limited to producers selling agricultural
10 products grown in Hawaii and value-added products
11 that were produced using agricultural products
12 grown in Hawaii; and
- 13 (E) A food hub, which is a facility that may contain
14 a commercial kitchen and provides for the
15 storage, processing, distribution, and sale of
16 agricultural products grown in Hawaii and value-
17 added products that were produced using
18 agricultural products grown in Hawaii.
- 19 The owner of an agricultural-based commercial
20 operation shall certify, upon request of an officer or
21 agent charged with enforcement of this chapter under



1 section 205-12, that the agricultural products
2 displayed or sold by the operation meet the
3 requirements of this paragraph;

4 (16) Hydroelectric facilities as described in section 205-
5 4.5(a)(23); ~~and~~

6 (17) Composting and co-composting operations; provided that
7 operations that process their own green waste and do
8 not require permits from the department of health
9 shall use the finished composting product only on the
10 operation's own premises to minimize the potential
11 spread of invasive species~~[-]~~; and

12 (18) Rodeo or rodeo activities, as defined in section
13 205- , that occur on land zoned for agricultural or
14 pastoral use.

15 Agricultural districts shall not include golf courses and golf
16 driving ranges, except as provided in section 205-4.5(d). No
17 landfill unit, as defined in section 342H-52, shall be located
18 on land within the agricultural district that has soil
19 classified by the land study bureau's detailed land
20 classification as overall (master) productivity rating class A
21 in a county with a population greater than five hundred



1 thousand. Agricultural districts include areas that are not
2 used for, or that are not suited to, agricultural and ancillary
3 activities by reason of topography, soils, and other related
4 characteristics."

5 SECTION 7. Section 205-4.5, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Within the agricultural district, all lands with soil
8 classified by the land study bureau's detailed land
9 classification as overall (master) productivity rating class A
10 or B and for solar energy facilities, class B or C, shall be
11 restricted to the following permitted uses:

12 (1) Cultivation of crops, including crops for bioenergy,
13 flowers, vegetables, foliage, fruits, forage, and
14 timber;

15 (2) Game and fish propagation;

16 (3) Raising of livestock, including poultry, bees, fish,
17 or other animal or aquatic life that are propagated
18 for economic or personal use;

19 (4) Farm dwellings, employee housing, farm buildings, or
20 activities or uses related to farming and animal
21 husbandry. For the purposes of this paragraph, "farm



1 dwelling" means a single-family dwelling located on
2 and accessory to a farm, including clusters of
3 single-family farm dwellings permitted within
4 agricultural parks developed by the State, or where
5 agricultural activity provides income to the family
6 occupying the dwelling;

7 (5) Public institutions and buildings that are necessary
8 for agricultural practices;

9 (6) Public and private open area types of recreational
10 uses, including day camps[~~τ~~]; picnic grounds[~~τ~~];
11 parks[~~τ~~and]; riding stables[~~τ~~]; and rodeos or rodeo
12 activities, as defined in section 205- , that occur
13 on land zoned for agricultural or pastoral use; but
14 not including dragstrips, airports, drive-in theaters,
15 golf courses, golf driving ranges, country clubs, and
16 overnight camps; provided that overnight camps in
17 operation before January 1, 1961, may be approved by
18 special permit;

19 (7) Public, private, and quasi-public utility lines and
20 roadways, transformer stations, communications
21 equipment buildings, solid waste transfer stations,



- 1 major water storage tanks, and appurtenant small
2 buildings such as booster pumping stations, but not
3 including offices or yards for equipment, material,
4 vehicle storage, repair or maintenance, treatment
5 plants, corporation yards, or other similar
6 structures;
- 7 (8) Retention, restoration, rehabilitation, or improvement
8 of buildings or sites of historic or scenic interest;
- 9 (9) Agricultural-based commercial operations as described
10 in section 205-2(d)(15);
- 11 (10) Buildings and uses, including mills, storage, and
12 processing facilities, maintenance facilities,
13 photovoltaic, biogas, and other small-scale renewable
14 energy systems producing energy solely for use in the
15 agricultural activities of the fee or leasehold owner
16 of the property, and vehicle and equipment storage
17 areas that are normally considered directly accessory
18 to the above-mentioned uses and are permitted under
19 section 205-2(d);
- 20 (11) Agricultural parks;



- 1 (12) Plantation community subdivisions, which as used in
2 this chapter means an established subdivision or
3 cluster of employee housing, community buildings, and
4 agricultural support buildings on land currently or
5 formerly owned, leased, or operated by a sugar or
6 pineapple plantation; provided that the existing
7 structures may be used or rehabilitated for use, and
8 new employee housing and agricultural support
9 buildings may be allowed on land within the
10 subdivision as follows:
- 11 (A) The employee housing is occupied by employees or
12 former employees of the plantation who have a
13 property interest in the land;
- 14 (B) The employee housing units not owned by their
15 occupants shall be rented or leased at affordable
16 rates for agricultural workers; or
- 17 (C) The agricultural support buildings shall be
18 rented or leased to agricultural business
19 operators or agricultural support services;
- 20 (13) Agricultural tourism conducted on a working farm, or a
21 farming operation as defined in section 165-2, for the



1 enjoyment, education, or involvement of visitors;
2 provided that the agricultural tourism activity is
3 accessory and secondary to the principal agricultural
4 use and does not interfere with surrounding farm
5 operations; provided further that this paragraph shall
6 apply only to a county that has adopted ordinances
7 regulating agricultural tourism under section 205-5;
8 (14) Agricultural tourism activities, including overnight
9 accommodations of twenty-one days or less, for any one
10 stay within a county; provided that this paragraph
11 shall apply only to a county that includes at least
12 three islands and has adopted ordinances regulating
13 agricultural tourism activities pursuant to section
14 205-5; provided further that the agricultural tourism
15 activities coexist with a bona fide agricultural
16 activity. For the purposes of this paragraph, "bona
17 fide agricultural activity" means a farming operation
18 as defined in section 165-2;
19 (15) Wind energy facilities, including the appurtenances
20 associated with the production and transmission of
21 wind generated energy; provided that the wind energy



1 facilities and appurtenances are compatible with
2 agriculture uses and cause minimal adverse impact on
3 agricultural land;

4 (16) Biofuel processing facilities, including the
5 appurtenances associated with the production and
6 refining of biofuels that is normally considered
7 directly accessory and secondary to the growing of the
8 energy feedstock; provided that biofuel processing
9 facilities and appurtenances do not adversely impact
10 agricultural land and other agricultural uses in the
11 vicinity.

12 For the purposes of this paragraph:

13 "Appurtenances" means operational infrastructure
14 of the appropriate type and scale for economic
15 commercial storage and distribution, and other similar
16 handling of feedstock, fuels, and other products of
17 biofuel processing facilities.

18 "Biofuel processing facility" means a facility
19 that produces liquid or gaseous fuels from organic
20 sources such as biomass crops, agricultural residues,
21 and oil crops, including palm, canola, soybean, and



1 waste cooking oils; grease; food wastes; and animal
2 residues and wastes that can be used to generate
3 energy;

4 (17) Agricultural-energy facilities, including
5 appurtenances necessary for an agricultural-energy
6 enterprise; provided that the primary activity of the
7 agricultural-energy enterprise is agricultural
8 activity. To be considered the primary activity of an
9 agricultural-energy enterprise, the total acreage
10 devoted to agricultural activity shall be ~~[nø]~~ not
11 less than ninety per cent of the total acreage of the
12 agricultural-energy enterprise. The
13 agricultural-energy facility shall be limited to lands
14 owned, leased, licensed, or operated by the entity
15 conducting the agricultural activity.

16 As used in this paragraph:

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

19 "Agricultural-energy enterprise" means an
20 enterprise that integrally incorporates an



1 agricultural activity with an agricultural-energy
2 facility.

3 "Agricultural-energy facility" means a facility
4 that generates, stores, or distributes renewable
5 energy as defined in section 269-91 or renewable fuel
6 including electrical or thermal energy or liquid or
7 gaseous fuels from products of agricultural activities
8 from agricultural lands located in the State.

9 "Appurtenances" means operational infrastructure
10 of the appropriate type and scale for the economic
11 commercial generation, storage, distribution, and
12 other similar handling of energy, including equipment,
13 feedstock, fuels, and other products of
14 agricultural-energy facilities;

15 (18) Construction and operation of wireless communication
16 antennas, including small wireless facilities;
17 provided that, for the purposes of this paragraph,
18 "wireless communication antenna" means communications
19 equipment that is either freestanding or placed upon
20 or attached to an already existing structure and that
21 transmits and receives electromagnetic radio signals



1 used in the provision of all types of wireless
2 communications services; provided further that "small
3 wireless facilities" shall have the same meaning as in
4 section 206N-2; provided further that nothing in this
5 paragraph shall be construed to permit the
6 construction of any new structure that is not deemed a
7 permitted use under this subsection;

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



- 1 (20) Solar energy facilities that do not occupy more than
2 ten per cent of the acreage of the parcel, or twenty
3 acres of land, whichever is lesser or for which a
4 special use permit is granted pursuant to section
5 205-6; provided that this use shall not be permitted
6 on lands with soil classified by the land study
7 bureau's detailed land classification as overall
8 (master) productivity rating class A;
- 9 (21) Solar energy facilities on lands with soil classified
10 by the land study bureau's detailed land
11 classification as overall (master) productivity rating
12 B or C for which a special use permit is granted
13 pursuant to section 205-6; provided that:
- 14 (A) The area occupied by the solar energy facilities
15 is also made available for compatible
16 agricultural activities at a lease rate that is
17 at least fifty per cent below the fair market
18 rent for comparable properties;
- 19 (B) Proof of financial security to decommission the
20 facility is provided to the satisfaction of the
21 appropriate county planning commission before the



1 date of commencement of commercial generation;
2 and
3 (C) Solar energy facilities shall be decommissioned
4 at the owner's expense according to the following
5 requirements:

6 (i) Removal of all equipment related to the
7 solar energy facility within twelve months
8 of the conclusion of operation or useful
9 life; and

10 (ii) Restoration of the disturbed earth to
11 substantially the same physical condition as
12 existed before the development of the solar
13 energy facility.

14 For the purposes of this paragraph, "agricultural
15 activities" means the activities described in
16 paragraphs (1) to (3);

17 (22) Geothermal resources exploration and geothermal
18 resources development, as defined under section 182-1;

19 (23) Hydroelectric facilities, including the appurtenances
20 associated with the production and transmission of
21 hydroelectric energy, subject to section 205-2;



1 provided that the hydroelectric facilities and their
2 appurtenances:

3 (A) Shall consist of a small hydropower facility as
4 defined by the United States Department of
5 Energy, including:

6 (i) Impoundment facilities using a dam to store
7 water in a reservoir;

8 (ii) A diversion or run-of-river facility that
9 channels a portion of a river through a
10 canal or channel; and

11 (iii) Pumped storage facilities that store energy
12 by pumping water uphill to a reservoir at
13 higher elevation from a reservoir at a lower
14 elevation to be released to turn a turbine
15 to generate electricity;

16 (B) Comply with the state water code[7] under chapter
17 174C;

18 (C) Shall, if over five hundred kilowatts in
19 hydroelectric generating capacity, have the
20 approval of the commission on water resource
21 management, including a new instream flow



1 standard established for any new hydroelectric
2 facility; and
3 (D) Do not impact or impede the use of agricultural
4 land or the availability of surface or ground
5 water for all uses on all parcels that are served
6 by the ground water sources or streams for which
7 hydroelectric facilities are considered; or
8 (24) Notwithstanding any other law to the contrary,
9 composting and co-composting operations; provided that
10 operations that process their own green waste and do
11 not require permits from the department of health
12 shall use the finished composting product only on the
13 operation's own premises to minimize the potential
14 spread of invasive species."

15 SECTION 8. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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



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 various lands that are zoned for agricultural or pastoral use. Effective 7/1/3000.
(HD2)

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

