THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2161

JAN 2 1 2026

A BILL FOR AN ACT

RELATING TO LAND USE.

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

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

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

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

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

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

"§205-4.5 **Permissible uses within the agricultural districts.** (a) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to the following permitted uses:

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

(2) Game and fish propagation;

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

(4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. For the purposes of this paragraph, "farm dwelling" means a single-family dwelling located on and accessory to a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where

agricultural activity provides income to the family occupying the dwelling;

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

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

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

plants, corporation yards, or other similar structures;

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

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

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

(11) Agricultural parks;

(12) Plantation community subdivisions, which as used in this chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or 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

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

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

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

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

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

For the purposes of this paragraph:

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

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

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

enterprise; provided that the primary activity of the agricultural-energy enterprise is agricultural activity. To be considered the primary activity of an agricultural-energy enterprise, the total acreage devoted to agricultural activity shall be [~~no~~] not less than ninety per cent of the total acreage of the agricultural-energy enterprise. The agricultural-energy facility shall be limited to lands owned, leased, licensed, or operated by the entity conducting the agricultural activity.

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

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

"Agricultural-energy enterprise" means an enterprise that integrally incorporates an agricultural activity with an agricultural-energy facility.

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

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

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

(18) Construction and operation of wireless communication antennas, including small wireless facilities; provided that, for the purposes of this paragraph, "wireless communication antenna" means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services; provided further that "small wireless facilities" shall have the same meaning as defined in section 206N-2; provided further that 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

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

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

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

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

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

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

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

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

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

(23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:

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

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

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

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

(B) Comply with the state water code, chapter 174C;

(C) Shall, if over five hundred kilowatts in hydroelectric generating capacity, have the approval of the commission on water resource management, including a new instream flow standard established for any new hydroelectric facility; and

(D) Do not impact or impede the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served

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

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

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

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

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

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

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

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

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

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

(e) Notwithstanding any other provision of this chapter to the contrary, plantation community subdivisions as defined in this section shall be permitted uses within the agricultural district, and section 205-8 shall not apply.

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

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

(2) No permanent or temporary dwellings or farm dwellings, including trailers and campers, are constructed on the leased area. This restriction shall not prohibit the construction of storage sheds, equipment sheds, or other structures appropriate to the agricultural activity carried on within the lot; provided that any violation of this paragraph shall be subject to county enforcement authority and fines pursuant to sections 46-4, 205-12, and 205-13; and

(3) The lease term for a subdivided lot shall be for at least as long as the greater of:

(A) The minimum real property tax agricultural dedication period of the county in which the subdivided lot is located; or

(B) Five years.

Lots created and leased pursuant to this section shall be legal lots of record for mortgage lending purposes and shall be exempt from county subdivision standards.

(g) For the purposes of this section, "rodeo or rodeo activities", as used in subsection (a)(6), means a structured, organized, and permitted agricultural, equestrian, or cultural event conducted on lands classified as an agricultural district pursuant to section 205-2; on agricultural or pastoral lands owned, managed, controlled, or leased by the department of agriculture and biosecurity or department of land and natural resources; and on lands encumbered under the authority of the board of agriculture and biosecurity or board of land and natural resources. "Rodeo or rodeo activities" includes but is not limited to:

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

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

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

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

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

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

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

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

(A) Veterinary care, livestock inspection, feeding, watering, conditioning, and temporary stabling or penning;

(B) Transportation, staging, and handling of livestock before, during, and after events; and

(C) Construction, maintenance, installation, or temporary placement of chutes, arenas, corrals, fencing, livestock enclosures, and other infrastructure reasonably required for event operations;

(3) Support functions essential to organizing and hosting rodeo events, including:

(A) Event management, setup, administration, and post-event restoration;

(B) Accessory spectator facilities such as parking areas, seating, concessions, restroom facilities, and safety stations; provided that the facilities remain subordinate to, and supportive of, the principal rodeo use; and

(C) Participation by vendors, cultural practitioners, and agricultural organizations when incidental

and reasonably related to the rodeo or when agricultural, ranching, or paniolo heritage is promoted; and

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

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

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

INTRODUCED BY: _____

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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