

Honolulu, Hawaii

APR 26 2012

RE: S.B. No. 2375
S.D. 3
H.D. 2
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2375, S.D. 3, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL-BASED COMMERCIAL OPERATIONS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to, among other things:

- (1) Permit producer owned and operated agricultural-based commercial operations in agricultural districts;
- (2) Include as permissible agricultural-based commercial operations:
 - (A) The preparation and sale of certain food grown on the premises or in the State by a producer owned and operated retail food establishment; and



- (B) The sale of logo items related to a producer's agricultural operation; and
- (3) Include agricultural-based commercial operations under the definition of "farming operation" in the Hawaii Right to Farm Act, codified in chapter 165, Hawaii Revised Statutes.

Your Committee on Conference finds that this measure will provide agricultural producers with an additional outlet to sell their products. This measure will allow agricultural producers to explore creative ways to market their products to the community, while connecting the general public with locally grown agricultural products.

Your Committee on Conference has amended this measure by:

- (1) Amending what constitutes a permissible agricultural-based operation in an agricultural district by:
 - (A) Removing the requirement that agricultural products sold or displayed must be fresh and grown on the premises;
 - (B) Clarifying that value-added products sold or displayed must have been produced using agricultural products grown in Hawaii rather than requiring these products to have been produced using raw Hawaii agricultural materials; and
 - (C) Removing the requirement that retail activities that are offered for the sale and display of certain agricultural products be offered for sale directly to consumers;
- (2) Making this measure effective upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

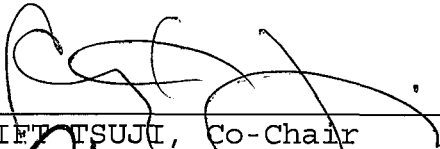
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2375, S.D. 3, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2375, S.D. 3, H.D. 2, C.D. 1.



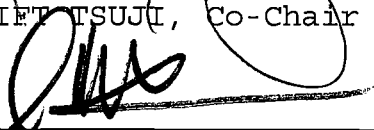
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

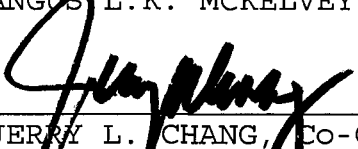
ON THE PART OF THE SENATE



CLIFT TSUJI, Co-Chair



ANGUS L.K. MCKELVEY, Co-Chair



JERRY L. CHANG, Co-Chair



CLARENCE K. NISHIHARA, Chair




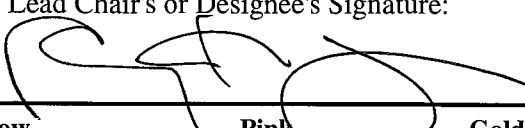
DONOVAN M. DELA CRUZ, Co-Chair



Hawaii State Legislature

CCR 19-12

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2375, SD 3, HD 2					Date/Time: 4/25/12 9:40 am						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
NISHIHARA, Clarence K., Chr.		✓				TSUJI, Clift, Co-Chr.		✓			
DELA CRUZ, Donovan M., Co-Chr.		✓				MCKELVEY, Angus L.K., Co-Chr.		✓			
WAKAI, Glenn		✓				CHANG, Jerry L., Co-Chr.		✓			
SLOM, Sam					✓	HAR, Sharon E.					✓
						RIVIERE, Gil		✓			
TOTAL		3	0	0	1	TOTAL		4	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay			E = Excused			
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
Distribution:		Original		Yellow		Pink		Goldenrod			
		File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency			