

STAND. COM. REP. NO.

47

Honolulu, Hawaii

FEB 06 , 2023

RE: H.B. No. 615

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Agriculture & Food Systems, to which was referred H.B. No. 615 entitled:

"A BILL FOR AN ACT RELATING TO RESTRICTIONS ON AGRICULTURAL USES AND ACTIVITIES,"

begs leave to report as follows:

The purpose of this measure is to clarify that any provision in a private agreement contained in a conveyance of land recorded on or before July 8, 2003, that limits or prohibits agricultural use or activity and has since expired but has not been renewed and recorded in the Bureau of Conveyances is void.

Your Committee received testimony in support of this measure from the Office of Planning and Sustainable Development, Hawai'i Farm Bureau, and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that some private agreements established on subdivided and condominiumized agricultural lands with lot or unit owner associations before the effective date of Section 205-4.6, Hawaii Revised Statutes, contained certain limitations and prohibitions on agricultural activities and uses. These limitations and prohibitions include limitations on hours of operation of farm equipment, height of windbreaks, and types of crops that are allowed to be cultivated. This measure prevents provisions that limit or prohibit agricultural use or activity in

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private agreements created before July 8, 2003, that have since expired and not been renewed, from being enforced.

As affirmed by the record of votes of the members of your Committee on Agriculture & Food Systems that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 615 and recommends that it pass Second Reading and be referred to your Committee on Water & Land.

Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture & Food  
Systems,



CEDRIC ASUEGA GATES, Chair



State of Hawaii  
House of Representatives  
The Thirty-second Legislature

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**Record of Votes of the Committee on Agriculture & Food Systems**

<b>Bill/Resolution No.:</b> HB 615	<b>Committee Referral:</b> AGR, WAL, CPC	<b>Date:</b> 2/1/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>AGR Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. GATES, Cedric Asuega (C)	✓			
2. KAHALOA, Kirstin (VC)	✓			
3. COCHRAN, Elle	✓			
4. LOWEN, Nicole E.	✓			
5. PERRUSO, Amy A.	✓			
6. WOODSON, Justin H.	✓			
7. WARD, Gene	✓			
<b>TOTAL (7)</b>	7			
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				