

STAND. COM. REP. NO. 1359

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 615  
H.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Water and Land, to which was referred H.B. No. 615, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent 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 has since expired but has not been renewed and recorded in the Bureau of Conveyances is prohibited from restricting bona fide agricultural uses and activities on agricultural land.

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

Your Committees find that some "private agreements" established on subdivided and condominiumized agricultural lands with lot or unit owner associations prior to the effective date of section 205-4.6, Hawaii Revised Statutes, contained limitations and prohibitions on agricultural activities and uses. These constraints can severely impact farming operations and include limitations on hours of operation of farm equipment, height of windbreaks, and types of crops that are allowed to be cultivated. The measure will prevent these private agreements created prior to

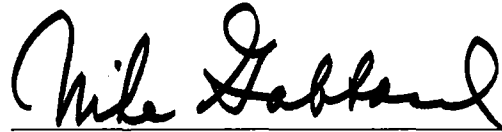


July 8, 2003, that have since expired and not been renewed, from being enforced.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 615, H.D. 1, and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Agriculture and  
Environment and Water and Land,

  
LORRAINE R. INOUE, Chair

  
MIKE GABBARD, Chair





The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>HB 615, HDI</b>	Committee Referral: <b>AEN/WTL, JDC</b>	Date: <b>3/22/23</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
  Hold 2310    
  Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.				✓
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:

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**\*Only one measure per Record of Votes**