

STAND. COM. REP. NO.

692

Honolulu, Hawaii

FEB 17 , 2023

RE: H.B. No. 611
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 611, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

begs leave to report as follows:

The purpose of this measure is to include customary and traditional subsistence farming conducted by a Native Hawaiian cultural practitioner within:

- (1) The Hawaii Right to Farm Act as a protected activity;
- (2) The state land use laws as an allowable activity in agricultural districts; and
- (3) The Hawaii State Planning Act as a policy of the State for achieving the State's agricultural objectives.

Your Committee received testimony in support of this measure from the Office of Planning and Sustainable Development, Office of Hawaiian Affairs, Hawai'i Farm Bureau, Hawai'i Farmers Union United, Hawai'i Food+ Policy, 'Apoākea Native Hawaiian Innovation Institute, and two individuals.

Your Committee finds that recognizing customary and traditional subsistence farming under the Right to Farm Act, land

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use laws, and Hawaii State Planning Act is in line with the constitutionally mandated protections for agricultural self-sufficiency and Native Hawaiian rights customarily and traditionally exercised for subsistence.

Your Committee has amended this measure by:

- (1) Removing the residence or dwelling restriction from the definition of "customary and traditional subsistence farming";
- (2) Clarifying that one of the State's policies under the Hawaii State Planning Act's agricultural objectives is to perpetuate the practice of customary and traditional subsistence farming; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 611, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 611, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 611, HD 1	Committee Referral: AGR, JHA, FIN	Date: 2/15/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. GANADEN, Sonny	/			
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda				/
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru	/			
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	9	-	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				