

ACT 170

S.B. NO. 2246

A Bill for an Act Relating to Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 205-4.6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~**§205-4.6**~~]]~~ **Private restrictions on agricultural uses and activities; not allowed.** Agricultural uses and activities as defined in sections 205-2(d) and 205-4.5(a) on lands classified as agricultural shall not be restricted by any private agreement contained in any deed, ~~[lease,]~~ agreement of sale, or other conveyance of land recorded in the bureau of conveyances after July 8, 2003, that subject such agricultural lands to any servitude, including but not limited to covenants, easements, or equitable and reciprocal negative servitudes. Any such private restriction limiting or prohibiting agricultural use or activity shall be voidable, subject to special restrictions enacted by the county ordinance pursuant to section 46-4~~[2]~~; ~~except that restrictions taken to protect environmental or cultural resources [shall not be void or voidable.], agricultural leases, utility easements, and access easements shall not be subject to this section.~~

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For purposes of this section, “agricultural leases” means leases where the leased land is primarily utilized for purposes set forth in section 205-4.5(a).”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 6, 2004.)