

Honolulu, Hawaii

APR 22 2021

RE: S.B. No. 186
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
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. 186, H.D. 1, entitled:

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

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 prohibit the enforcement of a re-recorded homeowners' association restriction if the restriction prohibits bona fide agricultural uses and activities on agricultural land.

Your Committee on Conference finds subdivision of agricultural lands has significantly increased over the past few decades, resulting in homeowners' associations imposing restrictions that limit bona fide agricultural uses on agricultural lands. Restrictive covenants that limit agricultural uses and activities on agricultural lands undermine the State's interest in protecting and preserving agricultural resources and promoting agricultural self-



sufficiency. Thus, this measure clarifies that renewed covenants restricting agricultural uses and activities within the State Land Use Agricultural Districts are considered new contracts and therefore voidable, under limited circumstances.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making a technical, nonsubstantive amendment 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. 186, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 186, H.D. 1, C.D. 1.

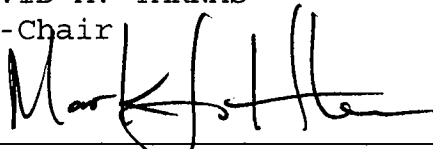
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



DAVID A. TARNAS
Co-Chair



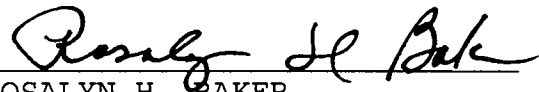
MARK J. HASHEM
Co-Chair



AARON LING JOHANSON
Co-Chair



MIKE GABBARD
Chair



ROSALYN H. BAKER
Co-Chair



Hawai'i State Legislature

CCR 5

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 186, HD 1	Date/Time: 04/20/2021 1:52 pm
--	---

The recommendation of the House and Senate managers is to pass with amendments (CD).

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
GABBARD, Mike, Chr.	✓				TARNAS, David A., Co-Chr.	✓			
BAKER, Rosalyn H., Co-Chr.	✓				HASHEM, Mark J., Co-Chr.	✓			
NISHIHARA, Clarence K.	✓				JOHANSON, Aaron Ling, Co-Chr.	✓			
					GANADEN, Sonny	✓			
					MCDERMOTT, Bob				✓
TOTAL	3				TOTAL	4			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <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 <i>File with Conference Committee Report</i>	Yellow <i>House Clerk's Office</i>	Pink <i>Senate Clerk's Office</i>	Goldenrod <i>Drafting Agency</i>
----------------------	---	--	---	--