

STAND. COM. REP. NO. 988

Honolulu, Hawaii  
MAR 17 , 2021

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

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 186 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 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 received testimony in support of this measure from the Office of Planning, Hawai'i Farm Bureau, and Wootens Produce of Kauai. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that restrictive covenants that limit agricultural uses on agricultural lands undermine the State's interest in protecting and preserving agricultural resources and promoting agricultural self-sufficiency and contravene public policy.



Your Committee has amended this measure by:

- (1) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (2) 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 Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 186, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 186, H.D. 1, and be referred to your Committee on Agriculture.

Respectfully submitted on  
behalf of the members of the  
Committee on Water & Land,



---

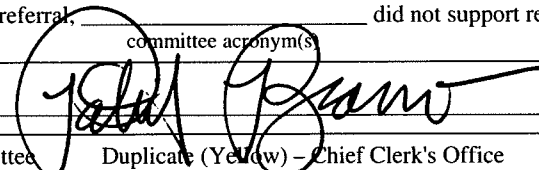
DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

HSCR 988

Record of Votes of the Committee on Water & Land

Bill/Resolution No.:	SB180	Committee Referral:	WAL, AGR, CPC	Date:	3/10/2021
<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)					
<b>WAL Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>	
1. TARNAS, David A. (C)	✓				
2. BRANCO, Patrick Pihana (VC)	✓				
3. GANADEN, Sonny	✓				
4. KOBAYASHI, Bertrand	✓				
5. KONG, Sam Satoru	✓				
6. MORIKAWA, Dee	✓				
7. OHNO, Takashi				✓	
8. McDERMOTT, Bob	✓				
<b>TOTAL (8)</b>	7			1	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
If joint referral, _____ committee acronym(s) did not support recommendation.					
Vice Chair's or designee's signature: 					
Distribution: Original (White) – Committee     Duplicate (Yellow) – Chief Clerk's Office     Duplicate (Pink) – HMSO					