
A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Agricultural and aquacultural structures; no
5 building permit required. (a) Notwithstanding any law to the
6 contrary, no county shall require a tenant leasing state land
7 from a state agency or 200 or more acres of privately-owned land
8 for agricultural or aquacultural operations, to obtain a
9 building permit for the construction of nonresidential temporary
10 or permanent structures used for those operations; provided
11 that:

12 (1) The tenant agrees to defend, indemnify, and hold
13 harmless, the State and any of its agencies, officers,
14 and employees, from and against all liability, loss,
15 damage, cost and expense, including attorneys' fees
16 and costs, and all claims, suits, and demands
17 therefore, arising out of or resulting from the
18 failure to obtain building permits, and waive any



1 statutory or other immunity from liability that may be
2 asserted by the tenant to limit the tenant's
3 obligation to so defend, indemnify, and hold harmless,
4 the State and any of its agencies, officers, and
5 employees; and

6 (2) Any permanent structure is designed and engineered
7 according to the latest version of the International
8 Building Code, as published by the International Code
9 Council.

10 (b) As used in this section:

11 "Agricultural" means relating to the planting, cultivating,
12 harvesting, and processing of crops, including those planted,
13 cultivated, harvested, and processed for food, ornamental,
14 grazing, or forestry purposes.

15 "Aquacultural" means relating to the propagation,
16 cultivation, or farming of aquatic plants and animals in
17 controlled or selected environments for research purposes,
18 commercial purposes, or stocking purposes.

19 "Temporary structure" means a building that is ancillary to
20 the agricultural or aquacultural operation and is not designed
21 to remain permanently in place, such as recycled ocean shipping



1 and cargo containers, modular structures, agricultural cold
2 frames, and storage sheds."

3 SECTION 2. New statutory material is underscored.

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

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Report Title:

Agricultural and Aquacultural Structures

Description:

Exempts from the county building permit requirement construction of nonresidential agricultural and aquacultural structures on state lands and large privately-owned land parcels leased for agricultural or aquacultural operations.

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