

JAN 26 2011

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 two hundred or more acres of privately
8 owned land for agricultural or aquacultural operations, to
9 obtain a building permit for the construction of nonresidential
10 temporary or permanent structures used for those operations;
11 provided 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, losses,
15 damages, costs, and expenses, including attorneys'
16 fees 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 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 state building
8 code adopted pursuant to chapter 107.

9 (b) As used in this section:

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

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

18 "Temporary structure" means a building that is ancillary to
19 the agricultural or aquacultural operation and is not designed
20 to remain permanently in place, such as recycled ocean shipping
21 and cargo containers, modular structures, agricultural cold
22 frames, and storage sheds."



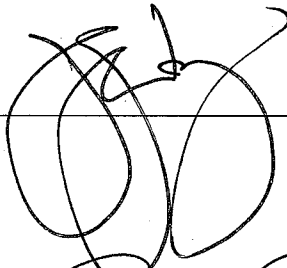
S.B. NO. 1514

1 SECTION 2. New statutory material is underscored.

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

3

INTRODUCED BY: _____


John Ryan
and
and Fulmer
C. Michaelson



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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

