

Honolulu, Hawaii

March 4, 2011

RE: H.B. No. 1230  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1230, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BUILDING PERMITS,"

begs leave to report as follows:

The purpose of this bill is to streamline the county permitting process for the construction of low-risk nonresidential temporary or permanent structures used for agricultural or aquacultural operations by exempting those structures from the county permitting process provided:

- (1) The tenant agrees to defend, indemnify, and hold harmless the State and its agencies and employees from all liability or waive any immunity from liability; and
- (2) Any permanent structure is built in accordance with the latest version of the International Code Council.

Hawaii Aquaculture and Aquaponics Association, East Oahu County Farm Bureau, Hawaii Farm Bureau, Land Use Research Foundation of Hawaii, and several concerned individuals testified in support of this bill. The State Fire Council, Honolulu Fire Department, Maui Department of Fire and Public Safety, and Kauai Fire Department testified in opposition to this measure.



Your Committee has amended this bill by:

- (1) Adding language to clarify that the owner or occupier is the party who must waive immunity and liability on the part of the State, its agencies, and employees; and
- (2) Changing the required version of the International Building Code to be that which has been adopted by the respective counties.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1230, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1230, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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GILBERT KEITH-AGARAN Chair



