

Honolulu, Hawaii

APR 26 2012

RE: S.B. No. 2646  
S.D. 1  
H.D. 2  
C.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
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. 2646, S.D. 1, H.D. 2, entitled:

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

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 encourage and support diversified agriculture and agricultural self-sufficiency in the State by providing an exemption from building permit requirements for nonresidential agricultural and aquacultural buildings or structures on commercial farms and ranches located outside of the urban district under certain conditions.

Your Committee on Conference finds that nonresidential agricultural and aquacultural buildings are often required to meet the same county permitting requirements as commercial buildings and buildings used for human habitation.



Your Committee on Conference further finds that several other jurisdictions in the United States have either state statutes or county codes or ordinances that exempt agricultural buildings from zoning, building code, and building permit requirements. For example, Iowa, Illinois, and Arizona have exempted agricultural buildings from such requirements under the concept of "the right to farm." In adopting this measure and removing burdensome obstacles for Hawaii's agricultural and aquacultural communities, the State will be supporting the language and intent of article XI, section 3, of the Hawaii State Constitution, which requires the State to "promote diversified agriculture" and "increase agricultural self-sufficiency".

In addition, your Committee on Conference finds that this measure addresses the needs of Hawaii's agricultural and aquaculture community while being mindful of health and safety concerns.

Your Committee on Conference has amended this measure by:

- (1) Adding language to require that no later than January 1, 2013, each county shall establish a list of agricultural buildings and structures that are exempt from existing county building permit requirements and to establish requirements for agricultural buildings, structures, or appurtenances thereto that may be exempt;
- (2) Adding the requirement that upon completion or installation of the agricultural building, structure, or appurtenance thereto, the owner or occupier seeking a county permitting exemption shall provide the required written notice to the appropriate fire department and county building permitting agency within thirty days of the completion or installation;
- (3) Adding language to clarify that no electrical power and no plumbing systems shall be connected to the building or structure without first obtaining the appropriate county electrical or plumbing permit, and all such installations shall be installed under the supervision of a licensed electrician or plumber, as appropriate, and inspected and approved by an appropriate county or licensed inspector;
- (4) Adding language to require that disposal of wastewater from any building or structure constructed or installed pursuant to this measure shall comply with chapter 342D, Hawaii Revised Statutes;



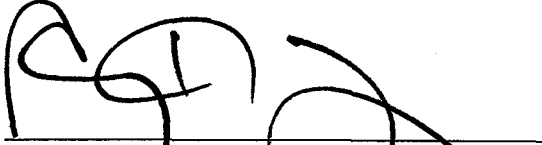
- (5) Adding language to specify the types, dimensions, and specifications of buildings, structures, and appurtenances thereto that shall be included in each county's agricultural buildings and structures exemption list;
- (6) Specifying that if a county fails to establish an agricultural buildings and structures exemption list by January 1, 2013, the exemptions provided for in this measure shall constitute the county's exemption list;
- (7) Adding definitions for the terms "appurtenance" and "manufactured pre-engineered commercial building or structure";
- (8) Requiring the Department of the Attorney General to establish a task force to examine conflicts between state statutes, including this measure, county codes, and the interests of Hawaii's agriculture and aquaculture industries;
- (9) Requiring the task force to provide recommendations for potential solutions to any conflicts to the Governor no later than December 15, 2012;
- (10) Making this measure effective on July 1, 2012; and
- (11) Making technical, nonsubstantive amendments 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. 2646, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2646, S.D. 1, H.D. 2, C.D. 1.

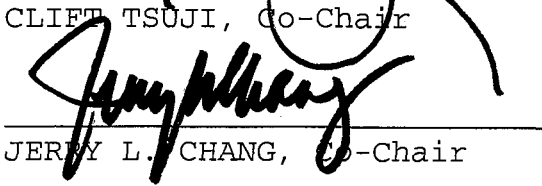


Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

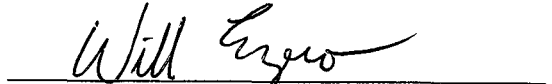


CLIFT TSUJI, Co-Chair



JERRY L. CHANG, Co-Chair

ON THE PART OF THE SENATE

  
CLARENCE K. NISHIHARA, Chair  
WILL ESPERO, Co-Chair  
RONALD D. KOUCHI, Co-Chair

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>SB 2646, SD 1, HD 2</b>	Date/Time: 4/26/12                      9:35 am
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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.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
NISHIHARA, Clarence K., Chr.	✓				TSUJI, Clift, Co-Chr.	✓			
ESPERO, Will, Co-Chr.				✓	CHANG, Jerry L., Co-Chr.	✓			
KOUCHI, Ronald D., Co-Chr.	✓				HASHEM, Mark J.	✓			✓ cr
WAKAI, Glenn	✓				TOKIOKA, James Kunane	✓			
SLOM, Sam				✓	RIVIERE, Gil	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>TOTAL</b>	<b>5<sup>ab</sup></b>	<b>4</b>	<b>0</b>	<b>0<sup>per</sup></b>

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
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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