

Honolulu, Hawaii

March 22, 2012

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

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred S.B. No. 2646, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to encourage and support diversified agriculture and agricultural self-sufficiency in the State by providing an agricultural building exemption for structures erected on commercial farms and ranches located outside of urban districts.

The Hawaii Farm Bureau Federation; Hawaii Farmers Union United; Ka'u Farm Bureau; Mikilua Farm Bureau Center; Oceanic Institute; East Oahu County Farm Bureau; Hawaii Livestock Farmers Coalition; Molokai Sea Farms; Hawaii Aquaculture & Aquaponics Association; Hawaii Sustainable Community Alliance; W.H. Shipman, Ltd.; Primavera Aquaponics, LLC; Aquaculture Planning & Advocacy, LLC; McCandless Ranch; Tropical Biofuels; and an individual testified in support of this measure. The Department of Planning and Permitting of the City and County of Honolulu testified in opposition to this measure. The Department of Agriculture, Department of Land and Natural Resources, and Office of Hawaiian Affairs provided comments on this measure.



Your Committee has amended this measure by:

- (1) Clarifying that a building or structure constructed pursuant to this measure shall comply with the state building code electrical standard if it will be serviced with electricity;
- (2) Clarifying that the exemptions created by this measure shall not be construed to supersede public or private lease conditions;
- (3) Changing the effective date to January 20, 2020, to facilitate further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests that, upon referral and hearing of this measure, the Committee on Water, Land, & Ocean Resources further examine:

- (1) Inserting the phrase "notwithstanding any law to the contrary" at the beginning of the new statutory language creating the building code exemption contained in section 2; and
- (2) The forthcoming amendments that the Hawaii Farm Bureau Federation will provide regarding their discussions with the county building departments, specifically concerning:
 - (A) A signed statement of owner compliance with this measure, including the prohibition on the use of buildings and structures as dwelling units, that must be provided to the applicable county building department;
 - (B) A statement of compliance from a private building inspector that certifies that those structures that are required by this measure to comply with all or portions of the applicable building code do so; and
 - (C) A requirement that a site plan sketch of the relevant agricultural building and its surroundings be provided to the applicable county building departments.



As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2646, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2646, S.D. 1, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

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


CLIFT TSUJI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 1185-12

Record of Votes of the Committee on Agriculture

Bill/Resolution No.: SB 2646, SD 1	Committee Referral: AGR, WLO	Date: 3/16/12		
<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)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	✓			
2. HASHEM, Mark J. (VC)	✓			
3. AWANA, Karen L.	✓			
4. BROWER, Tom	/			
5. CHOY, Isaac W.	/			
6. EVANS, Cindy	✓			
7. McKELVEY, Angus L.K.	✓			
8. NISHIMOTO, Scott Y.				✓
9. TOKIOKA, James Kunane	✓			
10. MARUMOTO, Barbara C.	✓			
11. RIVIERE, Gil	✓			
TOTAL (11)	10	0	0	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				