

STAND. COM. REP. NO.

2494

Honolulu, Hawaii

MAR 01 2012

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

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

Sir:

Your Committee on Public Safety, Government Operations, and  
Military Affairs, to which was referred S.B. No. 2646 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to promote and support diversified agriculture and agricultural self-sufficiency in the State by exempting certain nonresidential agricultural buildings that are on commercial farms and ranches located outside of urban districts and used for agricultural or aquacultural operations from county building permit requirements other than applicable electric and wastewater regulations.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Farm Bureau Federation; Hawaii Farmers Union United; Oceanic Institute; Hawaii Aquaculture & Aquaponics Association; Shrimp Improvement Systems Hawaii LLC; High Health Aquaculture; East Oahu County Farm Bureau; Hawaii Livestock Farmers Coalition; Matsuda-Fukuyama Farms, Inc.; Aquaculture Planning & Advocacy, LLC; and numerous individuals. Testimony in opposition to this measure was received from the City and County of Honolulu Department of Planning and Permitting. Comments were received from the Office of Hawaiian Affairs.

Your Committee finds that existing building codes and permitting processes are not efficiently tailored to meet the needs of the State's commercial agriculture and aquaculture



industries and add substantial costs to establishing or expanding farming and ranching. Existing building codes do not effectively facilitate the State's goals of expanding local food and bioenergy production. 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 heard testimony on the plight of agricultural farmers and aquaculture producers who are unable to erect low-cost structures to store materials, equipment, and other supplies while protecting their assets against inclement weather, vandalism, and theft. This measure eliminates a time-consuming and costly obstacle to the construction of essential agricultural and aquacultural infrastructure, which improves the economic viability of Hawaii's agricultural and aquacultural sectors without any financial cost to the State.

Your Committee is concerned that agricultural or aquacultural buildings and structures exempted from building permits may pose issues for nearby residential neighborhoods whose residents may take umbrage to such structures.

Your Committee has amended this measure by:

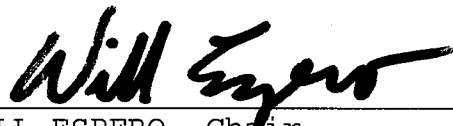
- (1) Clarifying that the purpose of this measure is to encourage and support diversified agriculture and agricultural self-sufficiency in the State by providing an agricultural building exemption for commercial farms and ranches located outside of the urban district;
- (2) Requiring that the exempted building or structure be:
  - (A) Constructed or installed on a property that is one or more contiguous acres in area if located in a non-residential agricultural or aquacultural park; and
  - (B) Serviced with electricity that complies with state building code electrical standards;
- (3) Exempting certain masonry or wood-framed buildings or structures and appurtenances thereto designed or engineered according to the state building code;



- (4) Clarifying the definition of "agricultural building or aquacultural building" as nonresidential buildings or structures used in or necessary for the operation of the farm or ranch, or for the processing and selling of farm or ranch products;
- (5) Specifying that the new section established by this measure shall not supersede public or private lease conditions;
- (6) Changing the effective date to July 1, 2050, to ensure further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2646, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2646, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Government Operations, and  
Military Affairs,



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WILL ESPERO, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Government Operations, and**  
**Military Affairs**  
**PGM**

Bill / Resolution No.:* <b>SB 2646</b>	Committee Referral: <b>AGL, PGM</b>	Date: <b>2-28-12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			
BAKER, Rosalyn H.				✓
RYAN, Pohai	✓			
SLOM, Sam	✓			<del>not</del> <i>not</i>
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes