

STAND. COM. REP. NO.

1144

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 586
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committees on Agriculture and Water & Land, to which was referred S.B. No. 586, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to provide, under certain circumstances, an exemption from building permit and code requirements for nonresidential agricultural and aquacultural buildings or structures on commercial farms and ranches located outside of urban districts.

The Hawaii Aquaculture and Aquaponics Association; Primavera Aquaponics, LLC; East Oahu County Farm Bureau; BioFarms Hawaii, LLC; Land Use Research Foundation of Hawaii; Hawaii Cattlemen's Council; Ulupono Initiative; and two concerned individuals testified in support of this measure. The State Fire Council; Kauai Fire Department; Department of Planning and Permitting, City and County of Honolulu; Department of Public Works, County of Kauai; Historic Hawaii Foundation; a member of the Kaua'i County Council; and one concerned individual testified in opposition to this measure. The Department of Agriculture, Hawaii Farm Bureau Federation, and one concerned individual offered comments.

SB586 HD1 HSCR AGR-WAL HMS 2013-2587-1



Your Committees note the concerns regarding situations where bones or other items of archeological or cultural significance are found during the construction process. Exempting agricultural structures from both the building code and permitting process removes important mechanisms that help to ensure these sites are properly managed or observed.

You Committees have amended this measure by:

- (1) Including nonresidential indigenous Hawaiian hale as an additional agricultural building or structure that may be exempt from the building permit or code requirements;
- (2) Extending the period of time that a county has to establish an exemption list before the default list included within the statute applies;
- (3) Clarifying that a county may amend or adopt an agricultural building and structures exemption list at any time even if it does not adopt a list before the default list becomes effective on July 1, 2014;
- (4) Allowing the counties to individually determine which building code compliant buildings or structures over 1,000 square feet may be exempt from permit requirements;
- (5) Limiting the State and the counties' liability for claims that arise from agricultural buildings, structures, and appurtenances that are exempt from the building code and permitting process, unless the claim is based on gross negligence or intentional misconduct by the State or county; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Agriculture and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 586, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 586, S.D. 1; H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Water & Land,

Cindy Evans

CINDY EVANS Chair

Jessica Wooley

JESSICA WOOLEY, Chair



