

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

SCOTT E. ENRIGHT
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE
AND WATER & LAND
MONDAY, FEBRUARY 4, 2013
8:30 A.M.
STATE CAPITOL AUDITORIUM**

**HOUSE BILL NO. 481
RELATING TO AGRICULTURAL LAND USE**

Chair Wooley, Chair Evans, and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 481. The purpose of this bill is to authorize the counties to allow for the construction of certain traditional Hawaiian hale on land that is used for farming operations without a building permit. The department has reservations.

The Department recognizes that structures are an integral part of conducting agricultural business. We acknowledge that the county permit process can be cumbersome; however, this process creates a minimum standard that potential structures must meet for safety as well as public health reasons. Unregulated grading of building pads can create significant environmental impacts when heavy rainfall occurs. A structure not built according to code creates unsafe working conditions, not just for the worker, but for visitors. Maintaining these standards ensures that future employees and visitors can expect a safe environment when performing their duties.

Furthermore, landowners must retain the right to control activities on their land. As written, this bill may allow lessees to construct these structures without notification or



TESTIMONY OF RUSSELL S. KOKUBUN
BEFORE THE HOUSE COMMITTEES ON
AGRICULTURE AND WATER & LAND
HOUSE BILL NO. 481
PAGE 2

approval of the landowner. This would present a substantial liability issue for the landowner. Should this bill move forward, we respectfully recommend that this allowance be limited to farmers who own the land they are farming in fee.

Thank you for the opportunity to testify.

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

February 1, 2013

Honorable Jessica Wooley, Chair
and Members of the Committee on Agriculture
Honorable Cindy Evans, Chair
and Members of the Committee on Water and Land
Hawaii State House of Representatives
State Capitol, Room Nos. 441 and 425
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Wooley and Evans and Members:

RE: HB 481 RELATING TO AGRICULTURAL LAND USE

Thank you for the opportunity to comment on the subject bill. The County of Maui Department of Public Works (DPW) is NEUTRAL and PROPOSES AMENDMENTS to the bill.

The bill proposes to allow traditional Hawaiian hales, as defined in the bill, to be built on State agricultural land without obtaining a County building permit.

The County of Maui was the first County to permit the use of Hawaiian hales in our building code over 15 years ago. We are very familiar with the permitting and successful construction of such structures in Maui County.

Our recent building code amendments, which follow the State amendments, have a 100 foot separation from Hawaiian hales to neighboring structures, or the hales must have a fire sprinkler system installed. We suggest this amendment be made in the bill as the potential for fire is significant.

Additionally, we note that a traditional Hawaiian hale is not made with single wall construction.

Mahalo for the opportunity to comment.

Sincerely,


DAVID C. GOODE
Director of Public Works

TAXBILLSERVICE

126 Queen Street, Suite 304

TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: INCOME, Important agricultural land tax credit

BILL NUMBER: HB 482

INTRODUCED BY: Wooley and Onishi

BRIEF SUMMARY: Amends HRS section 235-110.93(k) by amending the definition of “qualified agricultural costs” to delete (4) regulatory processing, studies, and legal and other consultant services related to obtaining or retaining sufficient water for agricultural activities and retaining the right to farm on land identified as important agricultural lands.

EFFECTIVE DATE: July 1, 2013; applicable to tax years beginning after December 31, 2013.

STAFF COMMENTS: Under existing law, costs of regulatory processing, studies, legal and other consultant services related to obtaining water for agricultural activities and retaining the right to farm on lands identified as important agricultural lands are deemed qualified costs in determining the amount of the credit for the important agricultural land tax credit.

Apparently the author of this proposal does not believe that consultant costs, as well as studies and legal costs, should not be used to determine how much of a subsidy should be provided by taxpayers to enhance the prospects of success for the farming of important agricultural lands.

Digested 2/1/13

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 4:05 PM
To: AGRtestimony
Cc: Scott.english@co.maui.hi.us
Subject: Submitted testimony for HB481 on Feb 4, 2013 08:30AM

HB481

Submitted on: 1/31/2013

Testimony for AGR/WAL on Feb 4, 2013 08:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|----------------------|---------------------------|---------------------------|
| Scott English | Maui Fire Department | Comments Only | No |

Comments: The Maui Fire Department would like to request that these Hale's have a minimum set back of 100 feet from other buildings. We are requesting these set back, so other building will not be affected by a fire at these Hale's. Thank you!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov