

William P. Kenoi
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

LATE

March 27, 2013

The Honorable Angus McKelvey, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawai'i 96813

Dear Chair McKelvey:

Subject: S.B. 586, S.D. 1, H.D. 1 Relating to Agricultural Building Permits

I am Darren J. Rosario, Member of the State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department (HFD). The SFC and the HFD opposes S.B. 586, S.D. 1, H.D. 1, which seeks to exempt nonresidential buildings on commercial farms and ranches located outside the urban district.

The building permit process involves several agencies that review and ensure that newly constructed buildings meet minimum safety and health standards. Each of these agencies has expertise in the various components of a building, including structural, electrical, plumbing, wastewater, etc. New construction must meet minimum fire and life safety standards, consistently regarding fire fighting access roads and water supply. Without the regulatory oversight of the permit process, buildings may not meet minimum standards. This may pose a potential danger to the occupants and personnel who respond to life safety and property protection incidents.

The SFC would offer the following questions for your consideration:

1. If structures are built without a permit would public utility companies allow connections to electrical, water and sewer supplies?
2. Without a permit approval would insurance companies insure a structure and its owner from liability, fire, or other natural disaster?



The Honorable Angus McKelvey, Chair

March 27, 2013

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3. Would an on-site energy source not be required to meet minimum safety standards?
4. Would a mortgage lender allow the purchase of buildings, structures, or facilities without an approved building permit?

Although the SFC is sensitive to the support of agricultural self-sufficiency in the state, the county building permit process functions for the safety, health and protection of all its citizens and should not be circumvented as a convenient solution for a select group.

The SFC and the HFD urge your committee's deferral on the passage of S.B. 586, S.D. 1, H.D. 1.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



DARREN J. ROSARIO
Fire Chief, SFC Member

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 26, 2013 4:35 PM
To: CPCtestimony
Cc: halina@hawaii.edu
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/26/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Halina M Zaleski	Individual	Support	No

Comments: I support SD 1, but NOT HD 1. HD 1 Amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may," allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 26, 2013 4:45 PM
To: CPCtestimony
Cc: olumauangus@msn.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/26/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert H. Ferreira	Individual	Support	No

Comments: I support SD1, but NOT HD 1. HD Amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may" allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step backwards and I cannot support the bill in its current form.

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Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
e-mail: HCattlemens@hawaii.rr.com

LATE

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

MARCH 27, 2013 4:00 p.m. Room 325

SB 586 SD1 HD 1 Relating to Agricultural Building Permits

Provides, under certain circumstances, an exemption from building code and permit requirements for nonresidential buildings or structures, including indigenous Hawaiian hale, on commercial farms and ranches located outside the urban district. Effective July 1, 2013.

Chair McKelvey, Vice Chair Kawakami and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chairperson of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **Supports** SB 586 SD1, **however** HD 1 Amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may," allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step backwards and we cannot support the bill in its current form.

Compliance with building codes can greatly increase the cost of constructing or installing greenhouses, shade houses, storage containers, and many other agriculture buildings and structures which by their nature or location pose little risk to life or property. In contrast to building codes in many other states, county building codes in Hawai'i generally do not distinguish between low-risk agriculture structures, residential, or commercial buildings. Ultimately, this results in excessive costs for code compliance. Act 114 (2012) may help by reducing the cost and time involved in applying for building permits, but does not offer relief from the code requirements themselves.

Historically, agricultural enterprises have utilized things like used Matson containers for storage. According to the building code, such a container if on the ground, must comply with the building code. The same container, on a chassis would not have to comply with any building code.

The State of Hawaii already exempts itself from Building permits and code, and a Walmart and shopping center recently built on the Big Island on Hawaiian Home Lands was exempt from building permits.

Please consider exempting the local risk structures mentioned in this bill from the building code and all of the bureaucracy that goes with that.

Thank you for giving me the opportunity to testify on this very important issue.



LATE

Email: communications@uluponoinitiative.com

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Wednesday, March 27, 2013 — 4 p.m. — Room 325

Ulupono Initiative Supports the intent of SB 586 SD1 HD1, Relating to Agricultural Building Permits

Chair McKelvey, Vice Chair, and Members of the Committee:

My name is Kyle Datta and I am General Partner of the Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally grown food, increase renewable energy, and reduce/recycle waste. Ulupono invests in projects that have the potential to create large-scale, innovative change.

Ulupono supports the intent of SB 586 SD1 HD1, which exempts specified non-residential buildings and structures from building code requirements when they are used for agriculture and aquaculture on commercial farms and ranches. **We support SD 1, but NOT HD 1 because the HD 1 amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may," allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step backwards and we cannot support the bill in its current form.**

Farmers and ranchers have found that forced compliance with building codes geared toward health and safety issues for residential and commercial buildings can greatly increase installation costs without providing any clear benefit. This proposal would cover such buildings as greenhouses, shade houses, storage, which are low-risk agricultural structures. Requiring code requirements for these types of agricultural structures also can significantly delay work, adding to cost and creating a burden on local food operations struggling to succeed. Last year, the Legislature worked to reduce the cost and time involved in applying for building permits (Act 114 of 2012) but did not offer relief from the code requirements. This bill would.

Ulupono has joined with a diverse group of organizations who have come together for the first time as the Local Food Coalition to support proposals designed to help grow more local food. The coalition brings together farmers, ranchers, livestock producers, investors and other organizations. The idea is that putting more local food on local plates can best be accomplished by bringing people and organizations together who can work on the entire food value chain in a systematic way. We believe that working together we can help produce more local food, support an economically strong homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to testify.

Respectfully,
Kyle Datta
General Partner

Pacific Guardian Center, Mauka Tower
737 Bishop Street, Suite 2350, Honolulu, HI 96813

808 544 8960 o | 808 544 8961 f
www.uluponoinitiative.com



kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 26, 2013 9:45 PM
To: CPCtestimony
Cc: afrancokaupo@gmail.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/26/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Franco	Individual	Support	No

Comments: However, we support SD1, but not HD1 HD1 amendments changes wording in subsection (a), (b), (c), and (d) from shall to may allowing County Building Department to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step in the wrong direction and can not support the bill in its current form.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 26, 2013 9:57 PM
To: CPCtestimony
Cc: jacinthow001@hawaii.rr.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/26/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William G. Jacintho	Maui Cattlemen's Association	Support	No

Comments: We support SD 1, but NOT HD 1. HD 1 Amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may," allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step backwards and we cannot support the bill in its current form.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 26, 2013 11:08 PM
To: CPCtestimony
Cc: wislts@hotmail.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/26/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Shimokawa	Individual	Support	No

Comments: We support SD 1, but NOT HD 1. HD 1 Amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may," allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step backwards and we cannot support the bill in its current form.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 26, 2013 11:44 PM
To: CPCtestimony
Cc: leealdrige@msn.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/26/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lee Aldridge	Individual	Support	No

Comments: I wish to thank the House Committee on Consumer Protection & Commerce for this opportunity to testify on SB586. I support Sb586 . I support any legislation that will make it easier and less costly for farmers to grow, cultivate, and harvest produce for our Islands.

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Testimony of Glenn Ida
Representing,
The Plumbers and Fitters Union, Local 675
1109 Bethel St., Lower Level
Honolulu, Hi. 96813

LATE

Committee on Consumer Protection and Commerce
Representative Angus McKelvey, Chair
Representative Derek Kawakami, Vice Chair

Wednesday, Mar. 27, 2013
4:00 PM, Conference Room 325

Re: In Opposition of SB 586,SD1, HD1, Relating to Agricultural Building Permits.

Aloha Chair McKelvey, Vice Chair Kawakami and Members of the Committee,

My name is Glenn Ida representing the active and retired members of the Plumbers and Fitters Local 675.

Local 675, opposes SB 586, SD1, HD1, which provides, under certain circumstances, an exemption from building code and permit requirements for non-residential buildings or structures including indigenous Hawaiian Hale, on commercial farms and ranches located outside the urban district.

Local 675 believes that bypassing the permitting and building codes process there will be no agency oversights to ensure that the construction of these exempted structures meet any minimum construction standard.

Will the structure be insurable if it doesn't meet a minimum of construction, fire and life safety standards? Of the newly added language near the end of the bill states, "The State or any county shall not be held liable for claims arising from the construction of agricultural buildings, structures or appurtenances thereto exempt from the building code and permitting process as described in this section, or as otherwise described in a list adopted by the counties, unless the claim arises out of the gross negligence or intentional misconduct by the State or county." Can a farmer or agricultural/aquaculture business keep enough assets in reserve to be self-insured to protect their workers or visitors in and around these structures?

Therefore Local 675 opposes SB 586, SD1, and HD1.

Thank you for this opportunity to testify.

Mahalo,
Glenn Ida

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 2:05 AM
To: CPCtestimony
Cc: w9w@hotmail.com
Subject: *Submitted testimony for SB586 on Mar 27, 2013 16:00PM*



SB586

Submitted on: 3/27/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kurt	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 5:12 AM
To: CPCtestimony
Cc: cwong-wmm@hawaii.rr.com
Subject: *Submitted testimony for SB586 on Mar 27, 2013 16:00PM*



SB586

Submitted on: 3/27/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Calvin Wong		Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 7:07 AM
To: CPCtestimony
Cc: JMATTOSHBP@AOL.COM
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/27/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jill J Mattos	Individual	Comments Only	No

Comments: For SB 586 it is very important to say in the comments that: We support SD 1, but NOT HD 1. HD 1 Amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may," allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step backwards and we cannot support the bill in its current form.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 7:28 AM
To: CPCtestimony
Cc: kaimiunger@gmail.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/27/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Unger	McCandless Ranch	Support	No

Comments: We support SD 1, but not HD 1. HD 1 amendments changed wording in subsections (a), (b), (c) and (d) from "shall" to "may," which will allow county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This runs contrary to the spirit of the bill and as such we cannot support the bill in its current form.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 7:38 AM
To: CPCtestimony
Cc: jimmygomes@hawaii.rr.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/27/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jimmy Gomes	Ulupalakua Ranch	Support	No

Comments: We support SD 1 but NOT HD 1. HD 1 amendments changed wording in subsections (a), (b), (c), and (d) from "shall" to "may", allowing county building departments to create exemption lists that do not include the buildings and structures listed in SB 586. This is a step backwards and we cannot support the bill in its current form

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 9:25 PM
To: CPCtestimony
Cc: karin@princevilleranch.com
Subject: Submitted testimony for SB586 on Mar 27, 2013 16:00PM



SB586

Submitted on: 3/27/2013

Testimony for CPC on Mar 27, 2013 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Carswell Guest	Kauai Cattlemen's Association	Support	No

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