

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 586
S.D. 1
H.D. 2
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 586, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to provide, under certain circumstances, an exemption from building code requirements and an expansion of existing building permit exemptions for nonresidential buildings or structures, including indigenous Hawaiian hale, on commercial farms and ranches located outside the urban district.

Your Committee on Conference finds that nonresidential building code requirements are financially and logistically burdensome to farming and ranching operations despite the minimal risk that these structures pose to public safety. Although Act 114, Session Laws of Hawaii 2012, exempts nonresidential agricultural and aquaculture buildings and structures from the building permit requirements,



farmers and ranchers are still discouraged from expanding their farming operations due to the onerous building code requirements. The agricultural exemptions provided by this measure will ease the financial and administrative burden on farmers and ranchers and encourage agricultural diversification and self-sufficiency.

Your Conference on Committee has amended this measure by:

- (1) Removing the requirement that each county establish a list of agricultural buildings and structures that are exempt from existing building permit and code requirements;
- (2) Removing the county's discretion to determine which buildings and structures are exempt from building permit and building code requirements by requiring that all buildings and structures specified be exempt from building permits and, in certain cases, building code requirements;
- (3) Amending the term "agricultural building or aquacultural building" to "agricultural building" and clarifying that the definition of agricultural building includes a nonresidential building or structure built for agricultural or aquacultural purposes;
- (4) Specifying that buildings or structures used to store pesticides or other hazardous material are not exempt from building permit or code requirements unless they are stored in accordance with federal and state law;
- (5) Providing that failure to comply with the conditions set forth in section 46-88, Hawaii Revised Statutes, shall result in penalties consistent with county building department provisions;
- (6) Inserting an effective date of July 1, 2013; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 586, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 586, S.D. 1, H.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

Jessica Wooley

JESSICA WOOLEY, Co-Chair

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair

Cindy Evans

CINDY EVANS, Co-Chair

Will Espero

WILL ESPERO, Co-Chair

Angus L.K. McKelvey

ANGUS L.K. MCKELVEY, Co-Chair



