

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



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

SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**LATE**

TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, & MILITARY AFFAIRS & AGRICULTURE &  
ENVIRONMENT

FEBRUARY 8, 2017  
1:15 P.M.  
CONFERENCE ROOM 224

SENATE BILL NO. 1118  
RELATING TO AGRICULTURAL BUILDING PERMITS

Chairpersons Nishihara and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No.1118 that amends Section 46-88, (agricultural buildings and structures exempt for building permit and code requirements) to make it in compliance with Federal flood insurance program requirements. The measure also requires each county to establish a list of exempted agricultural buildings and structures by January 1, 2018, and in failing to do so, will cause the list of buildings and structures listed in the bill to become the county's list. The Department of Agriculture defers to the Department of Land and Natural Resources as to whether this bill will bring Section 46-88 into compliance with the National Flood Insurance Program requirements. Otherwise, we note that the written notice to the county fire and building departments remains a requirement after the structure is built and there is no requirement that evidence be provided to the county fire or building department that the exempt agricultural building is, in fact, related to agricultural uses. It would be appropriate that the county planning department also be notified of the construction of these exempt structures as they are responsible for enforcing their respective zoning ordinances.

Thank you for the opportunity to testify on this measure.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 6:47 AM  
**To:** PSMTestimony  
**Cc:** haupuranch@gmail.com  
**Subject:** \*Submitted testimony for SB1118 on Feb 8, 2017 13:15PM\*

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**SB1118**

Submitted on: 2/8/2017

Testimony for PSM/AEN on Feb 8, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Bryan	Hawaii Cattlemens Council	Oppose	No

Comments:

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**To:** PSMTTestimony  
**Cc:** lbwood451@aol.com  
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**SB1118**

Submitted on: 2/8/2017

Testimony for PSM/AEN on Feb 8, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Wood	Hawaii Cattlemen's Council	Oppose	No

Comments:

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**Sent:** Tuesday, February 7, 2017 10:24 PM  
**To:** PSMTestimony  
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**SB1118**

Submitted on: 2/7/2017  
Testimony for PSM/AEN on Feb 8, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
BENNETTE MISALUCHA	Hawaii Crop Improvement Association	Oppose	No

Comments:

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P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 8, 2017

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
and  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS

SB 1118: RELATING TO AGRICULTURAL BUILDING PERMITS

Room 224  
1:15 pm

Aloha Chairs Gabbard and Nishihara, Vice Chairs Riviere and Wakai, and Members of the Committees:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau **strongly opposes SB 1118** which would, among other things, remove exemptions from building code requirements for certain agricultural buildings and structures.

As you know, agriculture in Hawaii is struggling because of a myriad of reasons, not the least of which is that farming is extremely expensive and difficult in the islands, putting local farmers at a competitive disadvantage. In 2013, Hawaii Farm Bureau advocated for the passage of Act 203, which allows our farmers build certain specified non-residential, low risk agricultural structures without the burden and expense of overly stringent and inapplicable regulations. Many other states have similar, or even broader provisions to help their farming communities.

We respectfully offer the following concerns:

- The proposed amendments appear to nullify the current law's exemptions from building code requirements for certain very low risk, non-residential agricultural buildings and structures.
- Our farmers need uniformity regarding laws and regulations. Giving the counties authorization to make their own lists of exemptions will create an uneven playing

field between farmers in the various counties. We believe that a statewide approach is more helpful.

- The term “high hazard safety zone” may be proposed in this measure in an attempt to address the recent request by FEMA to ensure that our state law comports with federal flood control regulations. We of course, have no objection to modifying the law to address FEMA’s request. However, the proposed term may be too broad and may unnecessarily limit farmers’ use of the much-needed exemptions to fewer areas. Any language to address the FEMA issue should be limited to the minimum of exclusion areas acceptable to that federal agency.

Thank you for your serious consideration of our concerns and for your support of Hawaii’s farmers and ranchers.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 10:27 PM  
**To:** PSMTestimony  
**Cc:** jacinthow001@hawaii.rr.com  
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**SB1118**

Submitted on: 2/8/2017

Testimony for PSM/AEN on Feb 8, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William G. Jacintho	Maui Cattlemen's Association	Oppose	No

Comments: STRONG OPPOSITION, and stand on Hawaii Cattlemen's Council's Testimony.

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P.O. Box 1978 Kaunakakai, Molokai, Hawaii 96748 USA

[www.broodstock.com](http://www.broodstock.com) [molokaishrimp@mac.com](mailto:molokaishrimp@mac.com) Tel. (808) 658-3276 Fax (760)825-8815

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## **Oppose SB 1118**

Thank you for the opportunity to submit this testimony.

I strongly oppose Senate Bill 1118.

It is the goal and objective of the State of Hawaii to improve self sufficiency and our security by locally producing our own food. It is in the states interested to facilitate farmers ability to increase and diversify their production.

This bill substantially increases the red tape necessary to build an additional greenhouse, storage shed or to add another tank.

For me if it's to much of a hassle I am just not going to make the improvements.

If it's not broken don't fix it. If you leave it up to the counties they are going to do nothing. We have already gone down that road.

Join me and oppose SB 1118.

Respectfully submitted,

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Steven Chaikin  
Molokai Sea Farms



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 7, 2017 7:56 PM  
**To:** PSMTestimony  
**Cc:** jasonmoniz73@gmail.com  
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**SB1118**

Submitted on: 2/7/2017

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Moniz	Individual	Oppose	No

Comments:

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**Sent:** Wednesday, February 8, 2017 6:54 AM  
**To:** PSMTestimony  
**Cc:** jimmygomes@hawaii.rr.com  
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**SB1118**

Submitted on: 2/8/2017

Testimony for PSM/AEN on Feb 8, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jimmy Gomes	Individual	Oppose	No

Comments:

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**To:** PSMTestimony  
**Cc:** mail@kealiaranch.com  
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**SB1118**

Submitted on: 2/8/2017

Testimony for PSM/AEN on Feb 8, 2017 13:15PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sara Moore	Individual	Oppose	No

Comments: The ability for farmers and ranchers to construct buildings and structures on their property is a must. These structures are typically designed or intended for a specific purpose to meet the needs of their operation. Reverting the language of the law back to county oversight will not address the problems the legislation in 2012 & 2013 sought to provide relief to. Prior to this critical legislation, the Counties failed to develop a list of exempted agricultural structures. The Counties are already stretched thin as it is. I appreciate the State's willingness to comply with NFIP regulations and understand the critical nature of federal funding to the State, but this measure prevents the expansion of agricultural production. This would also create additional costs to farmers and ranchers in delays, production losses and permitting fees. I respectfully ask that these committees oppose this legislation and seek another avenue to provide compliance with federal regulations.

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