

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 988
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 988 entitled:

"A BILL FOR AN ACT RELATING TO EXEMPTION FOR AGRICULTURAL BUILDINGS AND STRUCTURES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require an owner or occupier intending to utilize the exemption to the building code and permit requirements under section 46-88, Hawaii Revised Statutes, to provide written notice to the appropriate county agency of the size, type, and location of the proposed building;
- (2) Require the appropriate county agency to determine that a building permit is not necessary to comply with local, state, and federal floodplain management development standards, or National Flood Insurance Program regulations; and
- (3) Establish that section 46-88, Hawaii Revised Statutes, does not exempt any new or existing agricultural buildings, structures, related appurtenances, or other development from local, state, or federal floodplain management development standards, ordinances, codes,



statutes, rules, or regulations pursuant to National Flood Insurance Program requirements.

Your Committees received testimony in support of this measure from the Department of Agriculture; Department of Commerce and Consumer Affairs; Department of Land and Natural Resources; Hawaii Emergency Management Agency; Hawaii Housing Finance and Development Corporation; Office of the Mayor, County of Hawaii; Department of Emergency Management, City and County of Honolulu; Department of Planning and Permitting, City and County of Honolulu; Hawaii Insurers Council; Hawaii Aquaculture and Aquaponics Association; Hawaii Cattlemen's Council, Inc.; Hawaii Financial Services Association; Maui County Farm Bureau; and one individual. Your Committees received comments on this measure from the Hawai'i Farm Bureau and Ponoholo Ranch, Limited.

Your Committees find that it is essential that building code and building permit requirements comply with the requirements of the National Flood Insurance Program as administered by the Federal Emergency Management Agency. Failure to maintain compliance with the program's requirements could result in the Federal Emergency Management Agency initiating suspension procedures throughout the State, which could lead to the loss of National Flood Insurance Program insurance coverage and impact eligibility for certain federal disaster assistance. Your Committees further find that the building code and permit requirement statutes exempt some agricultural buildings, structures, and appurtenances, causing them to fall outside the National Flood Insurance Program requirements. This measure seeks to ensure that all agricultural structures are in compliance with the National Flood Insurance Program.

Your Committees have amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the



intent and purpose of S.B. No. 988, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 988, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Labor and Ways and Means,



JILL N. TOKUDA, Chair



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

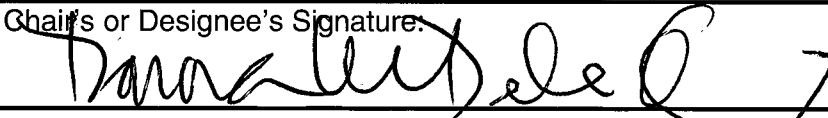
Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB988	Committee Referral: PSM/AEN, JDL/WAM	Date: 2/28/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 988	Committee Referral: PSM/AEN, SOL/WAM	Date: 8/28/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUE, Lorraine R.				/
KAHELE, Kaiali'i	/			
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn				/
TOTAL	9			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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