

Honolulu, Hawaii
FEB 08 , 2022

RE: H.B. No. 1726
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 1726 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDINGS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend definitions relating to exemptions from building permits and building codes for certain agricultural buildings and structures;
- (2) Require certain agricultural buildings and structures that are exempt from building permits and building codes to be consistent with an approved agricultural farm plan for the property;
- (3) Require owners or occupants of agricultural buildings that are exempt from building permits and building codes to make the building available for inspection by a county building official at any time; and
- (4) Impose penalties and fines on the owner or occupant of the agricultural building for failing to allow inspection by a county building official after appropriate notice is given.



Your Committee received testimony in support of this measure from the Department of Planning and Permitting of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Hawai'i Farm Bureau; East O'ahu County Farm Bureau; Living Circle Farms Hawaii; Sunshine Farms, LLC; Hawai'i Medicinal, LLC; Pueo Orchards; and five individuals. Your Committee received comments on this measure from the Department of Agriculture, Office of Planning and Sustainable Development, Hawaii Cattlemen's Council, and Hawaii Floriculture and Nursery Association.

Your Committee recognizes that regulatory oversight is essential to ensure that agricultural buildings and structures exempt from building code and building permit requirements are consistent with the purpose and intent of the exemptions and agricultural use purposes. This measure makes agricultural farm plans a central part in regulating buildings and structures that are inconsistent with the permitted uses of the land.

Your Committee has amended this measure by:

- (1) Requiring an owner or occupant that intends to utilize the building permit and building code exemptions to submit to the appropriate county planning department an agricultural farm plan, including the size, type, location, and uses of the proposed building, structure, related appurtenances, or development;
- (2) Reverting to the provision in existing statute that no electrical power or plumbing system shall be connected to a building or structure exempt from building permit and building code requirements without first obtaining a county electrical or plumbing permit and conforming with installation and inspection licensing requirements;
- (3) Amending the process for county fire departments and county building permitting agencies to investigate exempt agricultural buildings for building permit and building code exemption compliance;
- (4) Reverting to the definitions of "agricultural building", "dwelling", and "nonresidential building or structure" as they currently exist in statute;



- (5) Deleting the new definitions of "farm production building" and "greenhouse";
- (6) Amending the definition of "agricultural farm plan", including by changing the entity responsible for approving the plan, and removing specific inventory and resources to be considered in an agricultural farm plan;
- (7) Reverting to the provision in existing statute that the State or county is not liable for claims arising from the construction of agricultural structures exempt from the building permit and building code permitting process;
- (8) Clarifying that an agricultural building exempt from building permits and building codes must be consistent with an agricultural farm plan for the property;
- (9) Deleting the provision prohibiting certain agricultural buildings or structures from containing identified features;
- (10) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1726, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1726, H.D. 1, and be referred to your Committee on Water & Land.



Respectfully submitted on
behalf of the members of the
Committee on Agriculture,



MARK J. HASHEM, Chair



