

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Acting Chairperson  
Board of Agriculture

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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## TESTIMONY OF THE DEPARTMENT OF AGRICULTURE

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

FEBRUARY 11, 2019  
2:00 P.M.  
CONFERENCE ROOM 224

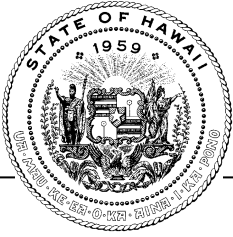
### SENATE BILL NO. 940 RELATING TO AGRICULTURAL BUILDINGS

Chairpersons Nishihara and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 940, that grants county fire departments and building permitting agencies the implicit right to enter property to investigate agricultural buildings and structures for violations of, and compliance with, building permit and code exemption qualifications. The Department of Agriculture supports the intent of this measure that promotes active monitoring and enforcement of these exempted structures. We note that exempt structures are required to be "...located on a commercial farm or ranch and are used for general agricultural or aquacultural purposes..." (Bill, page 2, lines 4-8). If this fundamental requirement does not exist, the exempt agricultural building should not be permitted.

Thank you for the opportunity to testify on this bill.





# OFFICE OF PLANNING STATE OF HAWAII

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GOVERNOR

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Statement of  
**RODNEY FUNAKOSHI**  
Planning Program Administrator, Office of Planning  
before the  
**SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND PUBLIC  
SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**  
Monday, February 11, 2019  
2:00 PM  
State Capitol, Conference Room 224

in consideration of  
**SB 940**  
**RELATING TO AGRICULTURAL BUILDINGS.**

Chairs Gabbard and Nishihara, Vice Chairs Ruderman and Wakai, and Members of the Senate Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs.

The Office of Planning (OP) **supports** SB 940 which amends Hawaii Revised Statutes, Section 46-88 (c) to allow appropriate county fire, police department, and building permit agencies the right to enter exempted agricultural buildings to investigate allegations of violations and compliance with this section. This amendment would allow county agencies to exercise their enforcement powers and help to prevent the misuse of agricultural buildings and structures which sometimes are illegally transformed into residential uses.

Thank you for this opportunity to testify.

**SB-940**

Submitted on: 2/10/2019 12:41:52 AM

Testimony for PSM on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
andy levin	Testifying for county of hawaii, Mayor's office	Support	No

Comments:

SB 940 recognizes that there needs to be a method of verification if exemptions to a Building Code are conditional, and if those conditions are to be taken seriously.

It seems that SB 940 provides an appropriate balance between the need for verification and the right of privacy. It is limited to agricultural buildings, it is limited in the personnel who can investigate, it is limited as to purpose, and puts the burden on government to seek court oversight if there is a dispute.

I support SB 940 and urge its adoption.

Respectfully submitted,

Harry Kim, Mayor

**SB-940**

Submitted on: 2/9/2019 8:49:27 PM

Testimony for PSM on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan P. Armstrong	Individual	Support	No

Comments:

**SB-940**

Submitted on: 2/1/2019 9:06:59 AM

Testimony for PSM on 2/11/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephanie A Whalen	Individual	Support	No

Comments:

Dear Senators,

The use of the previous act to exempt certain agricultural lands from some permitting requirements is being abused by property owners and neglected by state and county agencies over appropriate authorizations.

This measure is absolutely necessary and will certainly help in that regard. Since the State Department of Health has requirements and authority over waste water disposal/sewage, wouldn't it be prudent to add them to the new language as well?

Sincerely,

Stephanie Whalen