

LINDA LINGLE
Governor



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

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Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
WEDNESDAY, FEBRUARY 3, 2010
8:30 A.M.
ROOM 312**

**HOUSE BILL NO. 2779
RELATING TO STATE LEASES.**

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2779. The purpose of this bill is to allow the construction of temporary structures on state lands leased for agricultural operations. The Department respectfully opposes this bill.

The Department recognizes that structures are an integral part of conducting agricultural business. We acknowledge that the county permit process may be cumbersome; however, this process creates a minimum standard that potential structures must meet for safety as well as public health reasons. Among other things, this bill does not define what "temporary" means, nor does it prohibit using the structure as a dwelling or residence. Other than structural considerations, applicants must show that they will properly dispose of sewage, how they will obtain potable water, meet the electrical and plumbing codes, and the structure conforms with the American Disabilities Act. We assume there are other issues that the county review process also looks at for public health and safety.

In many places, there is limited infrastructure available. The location may be below the "no pass" line for leaching fields and in most areas, cesspools are no longer

allowed. Unmitigated grading of the land can lead to flooding issues of neighbors' property or heavy sediment runoff from large rains that result in significant soil loss and possible reef damage. There may be a significant increase in the potential for fire and use of substandard building materials. This directly impacts the health and safety of the people working in the building, as well as visitors to the site. Regardless of liability waivers, the welfare and safety of human life needs to be paramount. The building permit process ensures that structures as a whole meet a minimum standard and if for some reason a member of the public enters one, they will remain reasonably safe.



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

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TESTIMONY

HB 2779 RELATING TO STATE LEASES

Chair Tsuji and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of our farmer and ranch families and organizations support HB 2779 allowing construction of temporary structures that meet UBC on State lands without a county or state permit but with the lessees waiver.

Temporary structures for storage of supplies and agricultural products is a necessity on farms. These are simple buildings not meant for habitation. Yet, our farmers find themselves having to go through costly permitting processes to construct. This measure seeks to provide relief at least on State lands. We have a need for similar relief on private lands.

HFBF strongly requests your support of this measure to bring reduce cost within the agricultural industry. If there are any questions, please contact Luella Costales at 848 2074. Thank you

WAIMEA HAWAIIAN HOMESTEADERS' ASSOCIATION, INC.

P. O. Box 6753

Kamuela, Hawaii 96743

February 1, 2010

M KANANI KAPUNIAI
Pu'ukapu-Pastoral '90+
Director- **President**

BETTY LAU
Kuhio Village
Director – **Vice-President**

MAXINE KAHAULELIO
Pu'u Pulehu
Director – **Secretary**

A HOPPY BROWN
Pu'ukapu Pastoral '90+
Director – **Treasurer**

Kamoku/Waikoloa Nienie
Director

Pauahi
Director

ROBERT TERUKINA
Kuhio Village
Director

BERNARD ALANI, JR
Pu'ukapu-Farm >'85
Director

JOSEPH KEALOHA
Pu'ukapu-Farm '85+
Director

HENRY "SOLI" NIHEU
Pu'ukapu-Farm '85+
Director

TIARE FLORES
Pu'ukapu-Pastoral <90
Director

TO: Representative Cliff Tsuji, Chair
Representative Jessica Wooley, Vice Chair
Committee on Agriculture

FROM: M Kapuniai, President

RE: **HB2779**

RELATING TO STATE LEASES

Allows agricultural or aquacultural lessees on state land to erect or use temporary structures, without state or county approval or a county building permit, if they were built according to the Uniform Building Code and the lessees sign a waiver

Date/Time: Wednesday, February 3, 2010 8:30a.m.

Place: Conference Room 312
State Capitol
415 South Beretania Street

We **SUPPORT** this bill, wholeheartedly; will bring parity to all citizens.

We recommend that the bill be amended to include Hawaiian homes land, as follows:

- 1) SECTION 1, Chapter 141, line 7: insert following "lessee on state leased land, including Hawaiian homes land, shall not require state"
- 2) Chapter 141 (2) line 15: insert following "county and the Department of Hawaiian Home Lands from general liability. . . ."

Include the same phrases in:

- 1) SECTION 2, Chapter 171, Line 7 and (2), Line 15
- 2) SECTION 3, Chapter 201, page 3, Line 1 and (2) Line 9

Further amend the bill to **instruct the Department of Hawaiian Home Lands to amend HAWAII ADMINISTRATIVE RULES TITLE 10 DEPARTMENT OF HAWAIIAN HOME LANDS CHAPTER 3 and the Hawaiian Homes Commission Act, if necessary, to reflect these changes.**

Because amending the Admin Rules will be a formality, we expect that HHL agricultural and pastoral lessees will be able to benefit from this bill, as stated in SECTION 5. "This Act shall take effect upon its approval."

We express appreciation to the drafters and introducers of this bill and appreciate the opportunity to participate in this process.

Phone: (808) 890-2311 (Res) 936-0157 (Cell)

Email: duke@sandwichisles.net

A member of the Sovereign Councils of Hawaiian Homelands Assembly

Arlina Agbayani

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 01, 2010 11:55 AM
To: AGRtestimony
Cc: bkajikawa@co.hawaii.hi.us
Subject: Testimony for HB2779 on 2/3/2010 8:30:00 AM

Testimony for AGR 2/3/2010 8:30:00 AM HB2779

Conference room: 312
Testifier position: comments only
Testifier will be present: No
Submitted by: Brian Y. Kajikawa, AIA
Organization: County of Hawaii - DPW, Building Division
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Phone: (808)961-8488
E-mail: bkajikawa@co.hawaii.hi.us
Submitted on: 2/1/2010

Comments:

The State of Hawaii as well as the other Counties is not on the Uniform Building Code. We are all in the process of adopting the International Building Code.