

Honolulu, Hawaii

FEB 13 2012

RE: S.B. No. 2646

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred S.B.
No. 2646 entitled:

"A BILL FOR AN ACT RELATING TO BUILDING PERMITS,"

begs leave to report as follows:

The purpose and intent of this measure is to exempt specified nonresidential agricultural and aquacultural buildings and structures, and their appurtenances, located on commercial farms from building permit requirements other than applicable electric and wastewater regulations.

Your Committee received testimony in support of this measure from the Hawaii Farm Bureau Federation; Oceanic Institute; Mokuleia Aquafarm; High Health Aquaculture, Inc.; Shrimp Improvement Systems Hawaii, LLC; W.H. Shipman, Limited; Hawaii Aquaculture and Aquaponics Association; Hawaii Livestock Farmers Coalition; Aquaponics Hawaii; Hawaii Taro Company; Molokai Sea Farms; Kuahiwai Ranch; Aquaculture Planning and Advocacy, LLC; Matsuda-Fukuyama Farms; Hawaii Farmers Union; and six individuals. Your Committee received testimony in opposition to this measure from the Department of Agriculture. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that nonresidential agricultural and aquacultural buildings are often required to meet the same county permitting requirements as commercial buildings and buildings used for human habitation.



Your Committee further finds that several other jurisdictions in the United States have either state statutes or county codes that exempt agricultural buildings from zoning, building code, and building permit requirements. For example, Iowa, Illinois, and Arizona have exempted agricultural buildings from such requirements under the concept of "the right to farm." In adopting this measure and removing burdensome obstacles for Hawaii's agricultural and aquacultural communities, the State will be supporting the wording and intent of article XI, section 3, of the Hawaii State Constitution, which requires the State to "promote diversified agriculture" and "increase agricultural self-sufficiency".

In addition, your Committee finds that this measure addresses the needs of Hawaii's agricultural and aquaculture community while being mindful of health and safety concerns.

Lastly, farmers will be able to use readily available, low-cost structures to store materials, equipment, and other supplies while also protecting their assets against inclement weather, vandalism, and theft. This measure will eliminate a time consuming and costly obstacle to the construction of essential agricultural and aquacultural infrastructure while helping to improve the economic viability of Hawaii agricultural and aquacultural sectors without any financial cost to the State.

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 S.B. No. 2646 and recommends that it pass Second Reading and be referred to the Committee on Public Safety, Government Operations, and Military Affairs.

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




CLARENCE K. NISHIHARA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.: <div style="text-align: center; font-size: 1.2em;">SB 2646</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">AGL, DCM</div>	Date: <div style="text-align: center; font-size: 1.2em;">2/7/12</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
KAHELE, Gilbert (VC)	✓			
CHUN OAKLAND, Suzanne				✓
DELA CRUZ, Donovan M.	✓			
KOUCHI, Ronald D.	✓			
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.				✓
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	4	0	0	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

***Only one measure per Record of Votes**