

STAND. COM. REP. NO. 800

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 940
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 940 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to grant county 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.

Your Committee received testimony in support of this measure from the Office of Planning, Department of Agriculture, Mayor of the County of Hawai'i, and Hawaii Cattlemens Council. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that certain qualified agricultural structures are exempt from building permit and building code requirements. Your Committee further finds that, to curtail illegal uses, county agencies require the ability to inspect exempted agricultural structures to ensure that those structures conform to exemption requirements. Your Committee additionally finds that implicit rights are generally not specifically enumerated in writing.



Accordingly your Committee has amended this measure by changing the implicit right of county agencies to enter property to investigate agricultural buildings to an explicit right.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 940, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 940, S.D. 1.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 940	Committee Referral: PSM/AEN, JDC	Date: 2/22/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
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				

*Only one measure per Record of Votes