

**OFFICE OF PLANNING  
STATE OF HAWAII**

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**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS AND AGRICULTURE AND ENVIRONMENT**

Tuesday, February 4, 2020  
1:15 PM

State Capitol, Conference Room 229

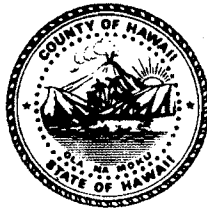
in consideration of  
**SB 2701**  
**RELATING TO AGRICULTURAL BUILDINGS**

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

The Office of Planning (OP) **supports** SB 2701 which amends Hawaii Revised Statutes, Section 46-88 (c) to allow appropriate county fire 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. The amendment would also allow the counties to apply to the district court for a warrant, and to direct a police officer to provide assistance to the department or agency in gaining entry to the property.

Thank you for this opportunity to testify.

**Harry Kim**  
Mayor



**Roy Takemoto**  
Managing Director

**Barbara J. Kossow**  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

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February 3, 2020

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Committee on Agriculture and Environment

Senator Mike Gabbard, Chair  
Senator Russell E. Ruderman, Vice Chair  
Committee on Agriculture and Environment  
Hawai'i State Legislature

Dear Chairs Nishihara and Gabbard, Vice-Chairs Wakai and Ruderman, and Committee Members:

### **RE: SB 2701, Relating to Agricultural Buildings**

A year ago, the Senate passed SB 940 which recognized 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. SB 2701 would seem to be substantially the same.

I believe that SB 940 and SB 2701 provide an appropriate balance between the need for verification and the right of privacy. Inspection 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 SB2701 and urge its adoption.

Respectfully Submitted,

  
Harry Kim  
MAYOR



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February 4, 2020

HEARING BEFORE THE  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON SB 2701**  
RELATING TO AGRICULTURAL BUILDINGS

Room 229  
1:15 PM

Aloha Chairs Nishihara and Gabbard, Vice Chairs Wakai and Ruderman, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

**The Hawaii Farm Bureau supports SB 2701**, which grants county agencies the right to enter property to investigate agricultural buildings and structures for violations of and compliance with building code exemption qualifications.

Although we assumed that the counties already have this authority, we support this effort to clarify the matter.

Thank you for this opportunity to provide our opinion on this important matter.

**SB-2701**

Submitted on: 2/1/2020 1:53:40 PM

Testimony for PSM on 2/4/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerard Silva	Individual	Oppose	No

Comments:

This is invasion of Privacy. If this would pass the State would be Sued.

Stop this Bull shit the people are feed upthis laws againts the people. Alot of reps and senators will be replaced!!

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

MORRIS M. ATTA  
Deputy to the Chairperson

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DEPARTMENT OF AGRICULTURE  
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TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE

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

FEBRUARY 4, 2020  
1:15 P.M.  
CONFERENCE ROOM 229

SENATE BILL NO. 2701  
RELATING TO AGRICULTURAL BUILDINGS

Chairpersons Nishihara and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2701. This measure grants county agencies the right to enter property to investigate agricultural buildings and structures for violations of and compliance with building code exemption qualifications. The Department of Agriculture supports the intent of this measure that promotes active monitoring and enforcement of these exempted structures. In particular, we point out 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 5-7). If this fundamental requirement does not exist, the exempt agricultural building should not be permitted.

Thank you for the opportunity to testify on this measure.

