

Honolulu, Hawaii

April 28, 2011

RE: H.B. No. 1230  
H.D. 2  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1230, H.D. 2, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to exempt the construction of low-risk nonresidential temporary or permanent structures used for agricultural or aquacultural operations from county building permit requirements, under certain conditions.

Upon further consideration, your Committee on Conference has amended this measure by:

- (1) Instead of low-risk nonresidential temporary or permanent structures, making the county building permit exemption applicable to non-residential structures;



- (2) Deleting definitions for "temporary" and "low-risk";
- (3) Making the provisions indemnifying the State against any liability resulting from the lack of building permits applicable to the counties;
- (4) Requiring the owner and/or occupier to obtain a certification from a duly qualified third party reviewer that certifies, in the reviewer's professional opinion, that the proposed building plans for the non-residential structure are in compliance with all applicable codes, rules, and requirements of the appropriate county planning and permitting department and the State;
- (5) Requiring the owner and/or occupier to submit the proposed building plans, indemnification and hold harmless attestation, and third party review certification to the appropriate county planning and permitting department;
- (6) Prohibiting the exemption unless the non-residential structure is constructed in accordance with the proposed building plan;
- (7) Establishing a limit of 1,500 square feet on the floor area of the non-residential structure and inserting a definition for "floor plan";
- (8) Establishing a minimum acreage requirement of at least three acres for the property upon which the non-residential structure is to be built;
- (9) Establishing reporting requirements related to this measure for the Hawaii Farm Bureau Federation and each county planning and permitting department;
- (10) Changing its effective date to July 1, 2011; and
- (11) Making technical, nonsubstantive amendments for style, clarity, and consistency.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1230, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1230, H.D. 2, S.D. 1, C.D. 1.

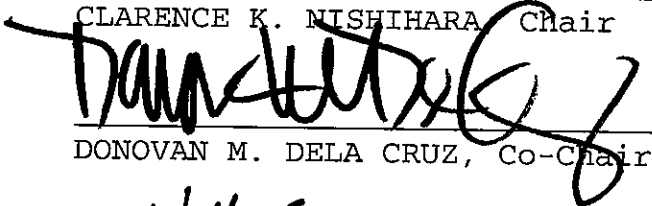
Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

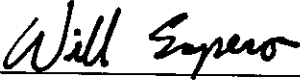
ON THE PART OF THE HOUSE



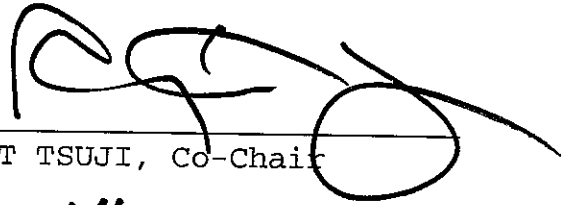
CLARENCE K. NISHIHARA, Chair



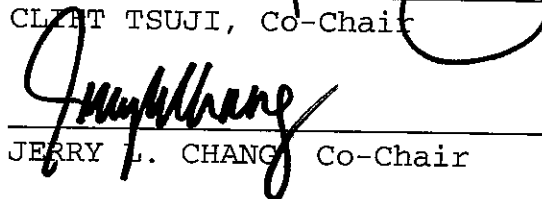
DONOVAN M. DELA CRUZ, Co-Chair



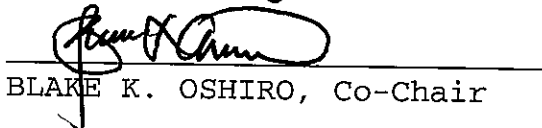
WILL ESPERO, Co-Chair



CLAIT TSUJI, Co-Chair



JERRY L. CHANG, Co-Chair



BLAKE K. OSHIRO, Co-Chair



## Hawaii State Legislature

### Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>HB 1230, HD 2, SD 1</b>	Date/Time: <b>4/28/11 11 AM</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).


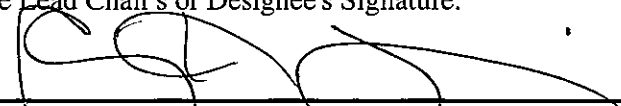
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
NISHIHARA, Clarence K., Chr.	✓				TSUJI, Clift, Co-Chr.	✓			
DELA CRUZ, Donovan M., Co-Chr.	✓				CHANG, Jerry L., Co-Chr.	✓			
ESPERO, Will, Co-Chr.	✓				OSHIRO, Blake K., Co-Chr.				✓
KAHELE, Gilbert				✓	HASHEM, Mark J.	✓			
KOUCHI, Ronald D.	✓				NAKASHIMA, Mark M.	✓			
SLOM, Sam				✓	RIVIERE, Gil	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**     
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