HB1351 CD1 HMS 2009-3894

A BILL FOR AN ACT

RELATING TO PRIVATE AGRICULTURAL PARKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The legislature finds that many times,
2	necessary cooperation between and among adjoining and
3	neighboring agriculturalists is stifled by governmental
4	regulation and oversight.
5	The purpose of this Act is to encourage owners of
6	neighboring agricultural lands to enter into private agreements
7	to reduce the shared costs of generating and transmitting
8	electrical energy, cold water for refrigeration and cooling, and
9	nonpotable water for irrigation.
10	SECTION 2. The Hawaii Revised Statutes is amended by
11	adding a new chapter to be appropriately designated and to read
12	as follows:
13	"CHAPTER
14	PRIVATE AGRICULTURAL PARKS
15	§ -1 Private agricultural parks. The owners of one or
16	more contiguous parcels, including public lands, within the
17	agricultural district may establish a private agricultural park.
18	The owners shall register the private agricultural park

H.B. NO. 1351 H.D. 2 S.D. 1

21	S	-2 Activities permitted in a private agricultural
20	filing.	
19	park may	add or delete parties and parcels from its original
18	provided	that, by subsequent filings, a private agricultural
17		private agricultural park;
16		determines may be of assistance in promoting the
15	(4)	Other information that the department of agriculture
14		and
13		cooling, processing, and air conditioning purposes;
12		of electrical energy or liquid fuel and cold water for
11		include renewable sources of energy for the production
10		including non-agricultural by-products that may
9		being produced or to be produced by each party,
8	(3)	The types of agricultural activities and products
7		park;
6		parcel to be included in the private agricultural
5	(2)	The tax map parcel numbers and number of acres in each
4	(1)	The names and addresses of all the parties;
3	the follo	owing information for each private agricultural park:
2	prescribe	ed and prepared by the department, which shall include
1	agreemen	t with the department of agriculture, on forms

22 park. Within a private agricultural park, pursuant to private



H.B. NO. H.D. 2 S.D. 1

1	agreement	s between any or all of the parties of the private
2	agricultu	ral park agreement, one or more of the parties may:
3	(1)	Engage in the generation of electrical energy from
4		fossil fuel or renewable energy sources, including the
5		use of falling water, biomass, wind, and solar energy
6		Any electrical energy generated within the boundaries
7		of the private agricultural park, whether by a party
8		or parties to the agreement or through an agreement
9		between a party or parties and a nonparty independent
10		energy producer, may be produced, sold, transmitted,
11		and consumed by any other party of the private
12		agricultural park agreement; provided that the
13		electrical energy generated is used for agricultural
14		purposes including but not limited to the pumping of
15		agricultural water, cooling, air conditioning, or
16		agricultural processing; provided further that the
17		electrical energy generated is used within the
18		established boundaries of the private agricultural
19		park; and provided further that the transmission and
20		distribution system is solely owned by a party of the
21		private agricultural park agreement;

H.B. NO. H.D. 2 S.D. 1

1	(2)	Collect, sell, and distribute cold water to any other
2		party of the private agricultural park agreement to
3		operate cooling and processing facilities for
4		agricultural products or for air conditioning;
5	(3)	Collect, store, sell, and distribute nonpotable water
6		for irrigation purposes to any other party of the
7		private agricultural park agreement; and
8	(4)	Engage in any other lawful activity within the
9		boundaries of the private agricultural park for the
10		benefit of one or more of its parties.
11	S	-3 Annual report. (a) Every private agricultural
11 12	_	-3 Annual report. (a) Every private agricultural l file with the chairperson of the board of agriculture
	park shal	
12	park shal	l file with the chairperson of the board of agriculture
12 13	park shal an annual the repor	l file with the chairperson of the board of agriculture report as prescribed by the chairperson. A copy of
12 13 14	park shal an annual the repor agricultu	l file with the chairperson of the board of agriculture report as prescribed by the chairperson. A copy of t shall be submitted to the parties of the private
12 13 14 15	park shal an annual the repor agricultu	l file with the chairperson of the board of agriculture report as prescribed by the chairperson. A copy of t shall be submitted to the parties of the private ral park agreement at an annual meeting or mailed to
12 13 14 15 16	park shal an annual the repor agricultu each part (b)	I file with the chairperson of the board of agriculture report as prescribed by the chairperson. A copy of t shall be submitted to the parties of the private ral park agreement at an annual meeting or mailed to y of the private agricultural park agreement.
12 13 14 15 16 17	park shal an annual the repor agricultu each part (b) electrici	I file with the chairperson of the board of agriculture report as prescribed by the chairperson. A copy of t shall be submitted to the parties of the private ral park agreement at an annual meeting or mailed to y of the private agricultural park agreement. The annual report shall include an affidavit that

SECTION 3. This Act shall take effect upon its approval.

21

H.B. NO. 1351 H.D. 2 S.D. 1 C.D. 1

Report Title:

Agriculture; Private Agricultural Parks

Description:

Allows owners of contiguous parcels within the agricultural district to establish private agricultural parks registered with the department of agriculture. Specifies activities within a private agricultural park. (HB1351 CD1)