THE SENATE TWENTY-FIFTH LEGISLATURE, 2009 STATE OF HAWAII

JAN 28 2009

S.B. NO. 1342

A BILL FOR AN ACT

RELATING TO PRIVATE AGRICULTURAL PARKS.

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

SECTION 1. The legislature finds that many times necessary
 cooperation between and among adjoining and neighboring
 agriculturalist is stifled by governmental regulation and
 oversight.

5 The purpose of this Act is to encourage neighboring 6 agricultural landowners to enter into cooperative private agreements to reduce the shared costs of generating and 7 8 transmitting electrical energy, cold water for refrigeration and 9 cooling purposes, and 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

14

"CHAPTER

PRIVATE AGRICULTURAL PARKS

15 "§ -1 Private agricultural parks. (a) The owners of
16 one or more contiguous parcels, including public lands, within
17 the agricultural district may establish a private agricultural
18 park. The owners shall register their private agricultural park
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1 with the department of agriculture, on forms to be prescribed 2 and prepared by the department, and shall include but not be 3 limited to the following information for each private 4 agricultural park: 5 The names and addresses of all of its members; (1)6 The tax map parcel numbers and number of acres in each (2) 7 parcel to be included in the private agricultural 8 park; 9 (3) The types of agricultural activities and products 10 being produced or to be produced by each member, 11 including non-agricultural by-products that may 12 include but not be limited to renewable sources of 13 energy for the production of electrical energy or 14 liquid fuel and cold water for cooling, processing, 15 and air conditioning purposes; and 16 (4) Other information that the department of agriculture 17 determines may be of assistance in promoting the 18 private agricultural park, 19 provided that, by subsequent filings, a private agricultural 20 park may add or delete members and parcels from its original 21 filinq.



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| 1 | S | -2 Activities permitted in a private agricultural |
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| 2 | park. (a |) Within a private agricultural park, pursuant to |
| 3 | private a | greements between any or all of the members within the |
| 4 | private a | gricultural park, one or more members may: |
| 5 | (1) | Engage in the generation of electrical energy from |
| 6 | | fossil fuel or renewable energy sources, including but |
| 7 | | not limited to the use of falling water, biomass, |
| 8 | | wind, and solar energy. Any electrical energy |
| 9 | | generated within the private agricultural park, |
| 10 | | whether by a member or members or through an agreement |
| 11 | | between a member or members and a nonmember |
| 12 | | independent energy producer, may be produced, sold, |
| 13 | | transmitted, and consumed by any other member within |
| 14 | | the private agricultural park without regulation or |
| 15 | | oversight by the public utilities commission, except |
| 16 | | to ensure the public's health and safety; |
| 17 | (2) | Collect, sell, and distribute cold water to any other |
| 18 | | member within the private agricultural park for the |
| 19 | | purpose of operating cooling and processing facilities |
| 20 | | for agricultural products or for air conditioning, |
| 21 | | without being subject to any regulation by any state |
| 22 | | or county agency; |



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1 (3) Collect, store, sell, and distribute nonpotable water 2 for irrigation purposes to any other member within the 3 private agricultural park, without being subject to regulation by any state or county agency; and 4 5 (4) Engage in any other lawful activity within the private 6 agricultural park for the benefit of one or more of 7 its members, without being subject to regulation by 8 any state or county agency. Incentives and permit processing. Anything to the 9 S -3 10 contrary notwithstanding, the lands contained in a private 11 agricultural park, whether or not designated important 12 agricultural lands pursuant to section 205-49, shall be entitled 13 to the benefits of all incentive and protection programs granted 14 to important agricultural lands pursuant to section 205-46 and 15 any priority permit processing procedures extended to important 16 agricultural lands pursuant to section 205-46.5." 17

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

INTRODUCED BY: Runeus. Kahl Grander WANKE



Report Title:

Agriculture; Private Agricultural Parks

Description:

Allows one or more contiguous parcels within the agricultural district to establish a private agricultural park to: (i) generate electrical energy and transmit the electricity over parcel boundaries within the park without regulation by the PUC; and (ii) transmit cold water for cooling facilities and nonpotable water for irrigation across parcel boundaries within the park without state or county regulation.

