

Honolulu, Hawaii

APR - 1 2010

RE: H.B. No. 2450
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Energy and Environment and Transportation, International and Intergovernmental Affairs and Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.B. No. 2450, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES,"

beg leave to report as follows:

The purpose of this measure is to clarify that the exemption from subdivision requirements for leases and easements for renewable energy facilities applies to renewable energy facilities on agricultural land approved by the Land Use Commission and county planning commissions, and renewable energy facilities on conservation land permitted by the Board of Land and Natural Resources.

Prior to the hearing, a proposed draft of H.B. 2450, H.D. 1, S.D. 1, was circulated.

Testimony in support of the proposed draft was submitted by two state agencies and one organization. One state agency submitted comments. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Subdivision exemptions can assist farmers by reducing the cost of agricultural lands. Hawaii County presently allows leasehold agricultural subdivisions with reduced infrastructure standards, provided that no houses or other habitable structures



are constructed on the land. The subdivision process can prevent proposed renewable energy projects from moving forward due to complications with financing and investors. Granting subdivision exemptions can expedite the permitting process and remove some of these obstacles for renewable energy projects. However, your Committees find that the proposed draft is too broad and may open the door for too many exemptions to the subdivision requirements. Your Committees are concerned that too many subdivision exemptions would create confusion in future land transfers and may create unenforceable, illegal lots. Thus, your Committees have reverted to the measure as received by your Committees.

Your Committees have amended the measure received by:

- (1) Narrowing the subdivision exemption to include agricultural-energy facilities permitted under Chapter 205, Hawaii Revised Statutes, on all or part of a plantation community subdivision;
- (2) Removing the subdivision exemption for lands within a Conservation State Land Use District;
- (3) Requiring that any project receiving a subdivision exemption for a solar, wind, or agricultural-energy facility apply for subdivision with the agency granting their original exemption within two years from the date of receiving that original exemption; and
- (4) Amending the purpose section to conform with these changes.

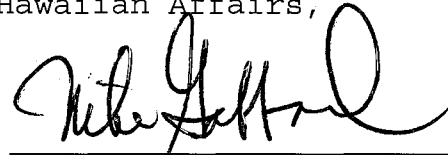
As affirmed by the records of votes of the members of your Committees on Energy and Environment and Transportation, International and Intergovernmental Affairs and Water, Land, Agriculture, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2450, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2450, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Transportation,
International and
Intergovernmental Affairs and
Water, Land, Agriculture, and
Hawaiian Affairs,



J. KALANI ENGLISH, Chair



MIKE GABBARD, Chair



CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

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|---|---|-------------------------|------------|----------------|
| Bill / Resolution No.:* HB 2450, HD 1 | Committee Referral: ENE/TIA/WTL | Date: 3/25/10 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div> | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| GABBARD, Mike (C) | ✓ | | | |
| ENGLISH, J. Kalani (VC) | | | | ✓ |
| GREEN, M.D., Josh | ✓ | | | |
| HOOSER, Gary L. | ✓ | | | |
| IHARA, Jr., Les | | | | ✓ |
| KOKUBUN, Russell S. | ✓ | | | |
| HEMMINGS, Fred | | | | ✓ |
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| TOTAL | 4 | 0 | 0 | 3 |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> | | | | |
| Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div> | | | | |
| Distribution: <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div> | | | | |

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

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|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| HB 2450, HDI | ENE/TIA/WTL | 3-25-10 | | |
| <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 |
| ENGLISH, J. Kalani (C) | | | | ✓ |
| GABBARD, Mike (VC) | ✓ | | | |
| ESPERO, Will | ✓ | | | |
| NISHIHARA, Clarence K. | | | | ✓ |
| SLOM, Sam | ✓ | | | |
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| TOTAL | 3 | — | — | 2 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <i>Will Espero</i> | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

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Committee on Water, Land, Agriculture and Hawaiian Affairs
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