

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2197

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Energy and Environment and Agriculture, to which was referred S.B. No. 2197 entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

beg leave to report as follows:

The purpose and intent of this measure is to expand the classes of agricultural lands that are exempt from subdivision requirements for purposes of leases or easements for renewable energy facilities.

Your Committees received testimony in support of this measure from Hawaii Solar Energy Association and one individual. Your Committees received comments on this measure from the Department of Agriculture; Department of Business, Economic Development, and Tourism; and one individual.

Your Committees find that Act 217, Session Laws of Hawaii 2011, allowed solar energy facilities on class B and C agricultural land. However, the subdivision exemption only applies to class D and E agricultural lands. The amendments proposed by this measure will bring the subdivision exemption statute in line by allowing subdivision exemptions for solar energy facilities on class B and C agricultural lands.

Your Committees understand that the Department of Agriculture would like for agriculture to remain the primary activity on agricultural land. Your Committees understand this concern but are interested in striking a balance that will preserve



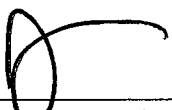
agriculture activity and also permit appropriate renewable energy development on agricultural land.

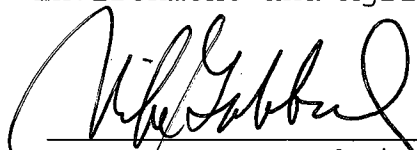
Your Committees have amended this measure by:

- (1) Adding language that will limit a proposed subdivision to no more than two easements per legal lot on state agricultural land with class B or C soils;
- (2) Amending language in section 201N-14(d)(3)(A), Hawaii Revised Statutes, to provide consistency with the allowances in section 205-2(d)(6), Hawaii Revised Statutes;
- (3) Inserting language conditioning the use of solar energy facilities on state agricultural land with class B, C, or D soils by adding a provision that requires ongoing activity on agricultural land, unless a non-utility generator application for a project was submitted to an electric utility, or a proposed project was submitted to the Public Utilities Commission prior to the effective date of this measure; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2197, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2197, S.D. 1, and be referred to the Committee on Water, Land, and Housing.

Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Agriculture,

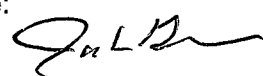
for 
CLARENCE K. NISHIHARA, Chair


MIKE GABBARD, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2197</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">ENE/AGL, WLH</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/16/12</div>		
<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-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.2em; font-family: cursive;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

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Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
KAHELE, Gilbert (VC)	✓			
CHUN OAKLAND, Suzanne				✓
DELA CRUZ, Donovan M.	✓			✓
KOUCHI, Ronald D.	✓			
SHIMABUKURO, Maile				✓
TOKUDA, Jill N.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	3 ✓
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em;">Glenn Kouchi</div>				
Distribution: <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

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