

STAND. COM. REP. NO. **2685**

Honolulu, Hawaii

FEB 20 2026

RE: S.B. No. 2371
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committees on Agriculture and Environment, Water, Land, Culture and the Arts, and Energy and Intergovernmental Affairs, to which was referred S.B. No. 2371 entitled:

"A BILL FOR AN ACT RELATING TO AGRIVOLTAICS,"

beg leave to report as follows:

The purpose and intent of this measure is to

- (1) Require a landowner leasing agricultural sub-parcels on property used for agrivoltaics to prioritize lease offers for beginning farmers;
- (2) Require a landowner leasing agricultural sub-parcels on property used for agrivoltaics to submit an annual agrivoltaics compliance report to the Department of Agriculture and Biosecurity;
- (3) Authorize Department of Agriculture and Biosecurity to penalize any landowner that fails to meet agrivoltaics requirements;
- (4) Authorize the development of solar energy facilities on agricultural lands with productivity ratings of B, C, or D under certain condition; and



- (5) Authorize a county planning commission to issue special permits for agrivoltaics requirements before the approval of the Land Use Commission under certain conditions.

Your Committees received testimony in support of this measure from the Office of Planning and Sustainable Development, Hawai'i Farm Bureau, and Hawai'i Food+ Policy.

Your Committees received testimony in opposition to this measure from one individual.

Your Committees received comments on this measure from the Department of Agriculture and Biosecurity, Hawaii State Energy Office, and Public Utilities Commission.

Your Committees find that many productive agricultural lands are transitioning to utility-scale renewable energy development, particularly solar energy, which has led to a decrease in agricultural productivity and increase in barriers for beginning farmers to establish their operations. While existing law requires that a portion of any land used for solar energy facilities be made available for compatible agricultural activities, this requirement has not yielded substantial or sustained agricultural production. Establishing a strong regulatory framework for agrivoltaics that standardizes and regulates solar development on certain agricultural lands is needed to support commercial agriculture. Therefore, this measure will support the balance of agricultural productivity against energy feedstock and electric generation on public and private lands across the State.

Your Committees note the concerns raised in testimony that the elaborate regulatory framework of this measure, in its current form, is overly complex and does not provide flexibility in the event a situation arises where landowners of agricultural lands with solar energy facilities are unable to attract qualified beginning farmers or commercial agricultural producers willing to start farming under and around solar panels, and the substantial penalties for landowners who are found to not be in compliance. Further, clarification of certain terms could help ensure the compatible agricultural activities generate revenue from the activities occurring on the agricultural land under and around the



solar energy facilities and are in furtherance of the State's food production goals to advance agrivoltaics in a way that supports farmers, strengthens local food production, and expands clean energy generation statewide.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have established requirements for permitted solar energy facilities regarding acreage, energy production by megawatt, percentage of compatible agricultural activities, and prevailing regional agricultural lease rates;
- (2) Deleting language that would have required the landowner to construct and maintain agricultural infrastructure necessary for agricultural activities;
- (3) Deleting language that would have required all non-solar panel areas not used for agricultural activities to maintain permanent vegetative cover;
- (4) Inserting language that requires land adjacent to and under solar energy facilities be put into compatible agricultural activities by a farm operation that derives revenue from agricultural activities;
- (5) Restoring language in existing law that specifies permitted solar energy facilities shall be made available for compatible agricultural activities at a lease rate that is at least fifty percent below the fair market rent for comparable properties;
- (6) Specifying that the term "agricultural activities" means certain activities that meet the State's local food production goals;
- (7) Inserting language to define the term "farm operation";
- (8) Deleting language that would have defined the term "prevailing regional agricultural lease rate";
- (9) Defining the term "agrivoltaics"; and



(10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

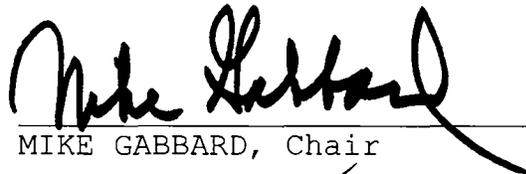
Your Committees further request that, should other Committees choose to deliberate on this measure as it moves through the legislative process, that they consider expanding the requirements that landowners leasing agricultural sub-parcels on property used for agrivoltaics prioritize lease offers for all farmers, not just beginning farmers.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Water, Land, Culture and the Arts, and Energy and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2371, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2371, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

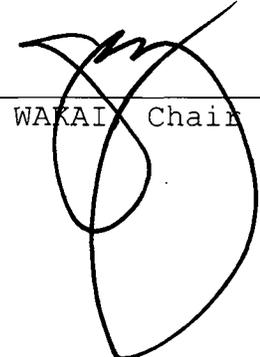
Respectfully submitted on behalf of the members of the Committees on Agriculture and Environment, Water, Land, Culture and the Arts, and Energy and Intergovernmental Affairs,



CHRIS LEE, Chair



MIKE GABBARD, Chair



GLENN WAKAI, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

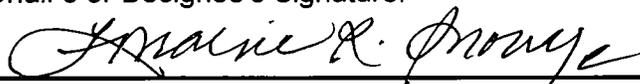
Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB2371	Committee Referral: AEN/WLA/EIG, CPN/JDC	Date: 2-18-26		
<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
GABBARD, Mike (C)	X			
RICHARDS, III, Herbert M. "Tim" (VC)	X			
DECOITE, Lynn	X			
RHOADS, Karl	X			
AWA, Brenton				X
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes

The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, Culture and the Arts
WLA

Bill / Resolution No.:* SB 2371	Committee Referral: AEN/WLA/EIG, CPN/JDC	Date: 2-18-2026		
<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
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
CHANG, Stanley	✓			
LAMOSAO, Rachele				✓
DECORTE, Samantha				✓
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Energy and Intergovernmental Affairs
EIG

Bill / Resolution No.:* SB2371	Committee Referral: AEN/WLA/EIG, CPN/JDL	Date: 2/18/26		
<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
WAKAI, Glenn (C)	✓			
CHANG, Stanley (VC)	✓			
DECOITE, Lynn	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
FEVELLA, Kurt	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

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