

STAND. COM. REP. NO.

957

Honolulu, Hawaii

MAR 25 2009

RE: H.B. No. 589
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Energy and Environment and Transportation, International and Intergovernmental Affairs, to which was referred H.B. No. 589, 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 facilitate the financing and development of renewable energy projects by allowing leases and easements pertaining to renewable energy projects, together with mortgages and other conveyances as security for finance, to be created, enforceable, and recordable without requiring the landowner to obtain formal subdivision approval from the applicable county or other approving agency.

Testimony in support of this measure was submitted by one state department and two private organizations. Testimony in support of the measure, with suggested amendments, was submitted by Castle & Cooke Hawaii (Castle & Cooke). Testimony in opposition to the measure as drafted was submitted by the Department of Planning and Permitting of the City and County of Honolulu (DPP). Written testimony presented to your Committees may be reviewed on the Legislature's website.

Castle & Cooke submitted a proposed amendment to the measure, making suggested revisions to narrow the measure and to clarify certain aspects of the proposed exemption and its applicability.



The DPP submitted testimony in support of Castle & Cooke's proposed amendment.

Your Committees find that this measure is intended to streamline the permitting process by helping to expedite the financing and development of renewable energy facilities by allowing leases and easements pertaining only to renewable energy facilities to be created for mortgages and other conveyances without requiring the landowner to obtain formal subdivision approval from the applicable county or other approving agency. However, your Committees find that the measure as received may potentially create confusion and complications for the community and governmental agencies due to unintended consequences.

Accordingly, your Committees have amended this measure by:

- (1) Indicating that the subdivision exemption applies only to leases and easements for renewable energy projects;
- (2) Clarifying that the subdivision and conveyance of land without compliance with subdivision laws is not authorized by this measure;
- (3) Limiting the scope of the exemption by indicating that there is no exemption from permits, approvals, restrictions, or requirements for the actual use, development, construction, or operation of the project;
- (4) Making the exemption only available where the principal use is for a renewable energy project;
- (5) Requiring that the term of the lease (where applicable) is for at least twenty years;
- (6) Terminating the exemption when the project is abandoned or terminated or when the applicable lease terminates or expires;
- (7) Changing the effective date from January 1, 2020, to upon approval; and
- (8) Making nonsubstantive, technical changes for clarity and consistency.

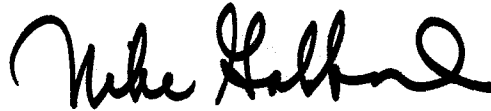


As affirmed by the records of votes of the members of your Committees on Energy and Environment and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 589, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 589, H.D. 1, S.D. 1, and be referred to the Committee on Water, Land, Agriculture, and Hawaiian Affairs.

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



J. KALANI ENGLISH, Chair



MIKE GABBARD, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

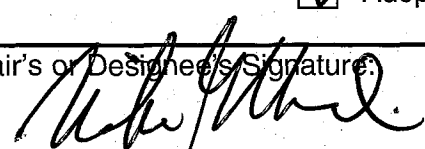
Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 589 HD1</i>	<i>ENE/TIA, WTL</i>	<i>19 March 2009</i>		
<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)	/			
ENGLISH, J. Kalani (VC)	/			
GREEN, M.D., Josh	/			
HOOSER, Gary L.	/			
IHARA, Jr., Les				/
KOKUBUN, Russell S.		/		
HEMMINGS, Fred				/
TOTAL	4	1		2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>J. Kalani English</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*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

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 589, HDI	ENE/TIA, WTL	3-19-09.		
<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				
TOTAL	3	-	-	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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