

STAND. COM. REP. NO.

891

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 122  
H.D. 1  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Energy and Environment and Water, Land, and Housing, to which was referred H.B. No. 122, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to encourage the development of renewable energy facilities in Hawaii by extending to July 1, 2020, the exemption for renewable energy projects from subdivision requirements on state agricultural or conservation lands.

Your Committees received testimony in support of this measure from William J. Aila, Jr., Department of Land and Natural Resources; Richard Lim, Department of Business, Economic Development, and Tourism; Kapu C. Smith, Kamehameha Schools; Dave Arakawa, Land Use Research Foundation of Hawaii; and Mark Duda, Hawaii Solar Energy Association.

Your Committees find that the development of renewable energy facilities may generate broad societal benefits including increased energy security, resistance to fluctuations in oil prices, environmental sustainability, economic development, and job creation. In order to develop and finance renewable energy facilities, a site for the facilities and access to the site must often be leased, granted as an easement, or mortgaged. Your Committees further find that renewable energy projects may require site acreage or configurations that do not coincide with existing,



already subdivided lot boundaries and that current subdivision laws generally prohibit the transfer of an interest in land that is not an entire subdivided lot or easement that has been approved by the applicable county. Act 173, Session Laws of Hawaii 2009, was enacted to address this issue and extending the sunset date of Act 173 will continue to encourage the development of renewable energy facilities and assist Hawaii in meeting its clean energy goals.

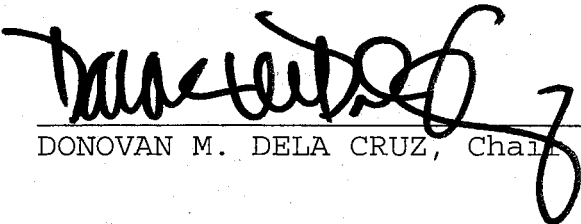
Your Committees further find that there is some ambiguity as to what types of facilities, in addition to solar, are eligible for the exemption and that wind energy facilities should be clearly delineated as eligible for the exemption.

Your Committees have amended this measure by:

- (1) Clarifying that wind energy facilities are included in the exemption; and
- (2) Amending the purpose section accordingly.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Water, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 122, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 122, H.D. 1, S.D. 1, and be referred to the Committee on Agriculture.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy and  
Environment and Water, Land,  
and Housing,

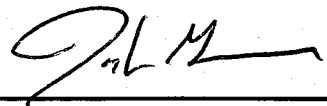
  
DONOVAN M. DELA CRUZ, Chair

  
MIKE GABBARD, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

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|--|--|-------------------------|----------|----------|
| Bill / Resolution No.:*<br><b>HB 122, HD1</b>  | Committee Referral:<br><b>ENE/WLH, AGL</b> | Date:<br><b>3/22/11</b> |          |          |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                         |          |          |
| The Recommendation is:<br><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  | ✓  |                         |          |          |
| IHARA, Jr., Les  | ✓  |                         |          |          |
| SLOM, Sam  |  |                         |          | ✓        |
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| <b>TOTAL</b>   | <b>3</b>                                   | <b>0</b>                | <b>0</b> | <b>2</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                         |          |          |
| Chair's or Designee's Signature:   |  |                         |          |          |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy   |  |                         |          |          |

\*Only one measure per Record of Votes

The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Housing**  
**WLH**

|  |                     |          |
|--|---------------------|----------|
| Bill / Resolution No.:*  | Committee Referral: | Date:    |
| HB 122   | ENE/WLH, AGL        | 3-17-11  |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>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             |          |
| DELA CRUZ, Donovan M. (C)  | ✓                   |          |
| SOLOMON, Malama (VC)   | ✓                   |          |
| FUKUNAGA, Carol  |                     | ✓        |
| RYAN, Pohai  | ✓                   |          |
| SHIMABUKURO, Maile   | ✓                   |          |
| TOKUDA, Jill N.  |                     | ✓        |
| SLOM, Sam  |                     | ✓        |
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| <b>TOTAL</b>   | <b>4</b>            | <b>3</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                     |          |
| Chair's or Designee's Signature:<br><div style="text-align:center; font-family: cursive; font-size: 1.2em;">Malama Solomon</div>   |                     |          |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy                           |                     |          |

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