

STAND. COM. REP. NO.

489

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 631
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 Agriculture and Water, Land, and Housing, to which was referred S.B. No. 631 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 authorize renewable energy production as a permitted use on agricultural lands, whether or not agricultural activity is the primary activity of the renewable energy enterprise, and to allow solar energy facilities to be constructed on all classifications of agricultural lands.

Your Committees received testimony in support of this measure from Richard Lim, Department of Business, Economic Development, and Tourism; David Tanoue, City and County of Honolulu, Department of Planning and Permitting; and Castle and Cooke Hawai'i. Your Committees received testimony in opposition to this measure from Russell Kokubun, Department of Agriculture; Hawaii Farm Bureau Federation; Robert Harris, Sierra Club, Hawai'i Chapter; Devin Bennett, Hawaii Pacific University Green Club; Anthony Aalto; Brian Bell; Bobby McClintock; Jane Yamashiro; Scott Hamilton; Marjorie Erway; Rick Warshauer; and Janice Palma-Glennie. Your Committees received comments on this measure from David Louie, Department of the Attorney General; the Office of Hawaiian Affairs; and Mary Lou Kobayashi, Department of Business, Economic Development, and Tourism, Office of Planning.



Your Committees find that the development of renewable energy in Hawaii is vital to the energy security and the energy independence of the State. Your Committees further find that allowing renewable energy facilities within the agricultural district furthers and is consistent with the purposes, standards, and criteria for uses within agricultural lands. Renewable energy facilities increase the State's energy self sufficiency and agricultural sustainability.

Your Committees recognize, however, that although renewable energy production is desirable and consistent with the purposes of agricultural land, the construction of renewable energy facilities on agricultural land should be limited to a certain extent in order to balance the need for energy security with the need for food security.

Accordingly, your Committees have amended this measure by:

- (1) Specifying that solar energy facilities are only permitted on agricultural lands with a productivity rating of B, C, D, or E and are not permitted on Important Agricultural Lands;
- (2) Specifying further that solar energy facilities located on agricultural lands with a productivity rating of B or C shall occupy no more than ten percent of the acreage of the parcel;
- (3) Deleting section 3 of the measure in order to preserve current statutory language regarding the use of certain agricultural lands for agricultural-energy facilities; and
- (4) Amending the purpose section accordingly.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Agriculture and Water, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 631, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 631, S.D. 1, and be placed on the calendar for Third Reading.



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

Clarence K. Nishihara
CLARENCE K. NISHIHARA, Chair


Mike Gabbard
MIKE GABBARD, Chair

Donovan M. DeLa Cruz
DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 631	ENE/AGL/WLH	2/24/11		
<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				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

