
A BILL FOR AN ACT

RELATING TO ENERGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's dependence
2 on petroleum for about ninety per cent of its energy needs is
3 more than any other state in the nation. This makes the state
4 extremely vulnerable to oil embargos, supply disruptions,
5 international market dysfunctions, and many other factors beyond
6 the control of the state. Furthermore, the continued
7 consumption of conventional petroleum fuel negatively impacts
8 the environment. At the same time, Hawaii has some of the most
9 abundant renewable energy resources in the world, in the form of
10 solar, geothermal, wind, biomass, and ocean energy assets.

11 The legislature also finds that increased energy efficiency
12 and use of renewable energy resources would increase Hawaii's
13 energy self-sufficiency, achieving broad societal benefits,
14 including increased energy security, reduced impact of increases
15 in oil prices, environmental sustainability, economic
16 development, and job creation.



1 To shape Hawaii's energy future and achieve the goal of
 2 energy self-sufficiency for the State of Hawaii, efforts must
 3 continue on all fronts, integrating new and evolving
 4 technologies, seizing upon economic opportunities to become more
 5 energy efficient and economically diversified, and providing
 6 incentives and assistance to address barriers.

7 The purpose of this Act is to encourage further production
 8 and use of biofuels in Hawaii by:

- 9 (1) Establishing biofuel processing facilities as a
 10 permitted use in designated agricultural districts
 11 under chapter 205, Hawaii Revised Statutes; and
- 12 (2) Establishing an energy feedstock program within the
 13 department of agriculture to encourage the production
 14 of energy feedstock in Hawaii and establish milestones
 15 and objectives for energy feedstock to be grown in the
 16 state to meet Hawaii's energy requirements.

17 PART I. BIOFUEL PROCESSING FACILITIES

18 SECTION 2. Section 205-2, Hawaii Revised Statutes, is
 19 amended by amending subsection (d) to read as follows:

20 "(d) Agricultural districts shall include:

- 21 (1) Activities or uses as characterized by the cultivation
 22 of crops, orchards, forage, and forestry;



- 1 (2) Farming activities or uses related to animal
- 2 husbandry, and game and fish propagation;
- 3 (3) Aquaculture, which means the production of aquatic
- 4 plant and animal life within ponds and other bodies of
- 5 water;
- 6 (4) Wind generated energy production for public, private,
- 7 and commercial use;
- 8 (5) Biofuel production as described in section
- 9 205-4.5(a)(15) for public, private, and commercial
- 10 use;
- 11 [~~5~~] (6) Bona fide agricultural services and uses that
- 12 support the agricultural activities of the fee or
- 13 leasehold owner of the property and accessory to any
- 14 of the above activities, whether or not conducted on
- 15 the same premises as the agricultural activities to
- 16 which they are accessory, including but not limited to
- 17 farm dwellings as defined in section 205-4.5(a)(4),
- 18 employee housing, farm buildings, mills, storage
- 19 facilities, processing facilities, vehicle and
- 20 equipment storage areas, roadside stands for the sale
- 21 of products grown on the premises, and plantation



1 community subdivisions as defined in section
2 205-4.5(a)(12);
3 ~~(6)~~ (7) Wind machines and wind farms;
4 ~~(7)~~ (8) Small-scale meteorological, air quality, noise,
5 and other scientific and environmental data collection
6 and monitoring facilities occupying less than one-half
7 acre of land; provided that these facilities shall not
8 be used as or equipped for use as living quarters or
9 dwellings;
10 ~~(8)~~ (9) Agricultural parks;
11 ~~(9)~~ (10) Agricultural tourism conducted on a working
12 farm, or a farming operation as defined in section
13 165-2, for the enjoyment, education, or involvement of
14 visitors; provided that the agricultural tourism
15 activity is accessory and secondary to the principal
16 agricultural use and does not interfere with
17 surrounding farm operations; and provided further that
18 this paragraph shall apply only to a county that has
19 adopted ordinances regulating agricultural tourism
20 under section 205-5; and
21 ~~(10)~~ (11) Open area recreational facilities.



1 Agricultural districts shall not include golf courses and golf
2 driving ranges, except as provided in section 205-4.5(d).
3 Agricultural districts include areas that are not used for, or
4 that are not suited to, agricultural and ancillary activities by
5 reason of topography, soils, and other related characteristics."

6 SECTION 3. Section 205-4.5, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Within the agricultural district, all lands with soil
9 classified by the land study bureau's detailed land
10 classification as overall (master) productivity rating class A
11 or B shall be restricted to the following permitted uses:

- 12 (1) Cultivation of crops, including but not limited to
13 crops for bioenergy, flowers, vegetables, foliage,
14 fruits, forage, and timber;
- 15 (2) Game and fish propagation;
- 16 (3) Raising of livestock, including but not limited to
17 poultry, bees, fish, or other animal or aquatic life
18 that are propagated for economic or personal use;
- 19 (4) Farm dwellings, employee housing, farm buildings, or
20 activities or uses related to farming and animal
21 husbandry. "Farm dwelling", as used in this
22 paragraph, means a single-family dwelling located on



1 and used in connection with a farm, including clusters
2 of single-family farm dwellings permitted within
3 agricultural parks developed by the State, or where
4 agricultural activity provides income to the family
5 occupying the dwelling;

6 (5) Public institutions and buildings that are necessary
7 for agricultural practices;

8 (6) Public and private open area types of recreational
9 uses, including day camps, picnic grounds, parks, and
10 riding stables, but not including dragstrips,
11 airports, drive-in theaters, golf courses, golf
12 driving ranges, country clubs, and overnight camps;

13 (7) Public, private, and quasi-public utility lines and
14 roadways, transformer stations, communications
15 equipment buildings, solid waste transfer stations,
16 major water storage tanks, and appurtenant small
17 buildings such as booster pumping stations, but not
18 including offices or yards for equipment, material,
19 vehicle storage, repair or maintenance, treatment
20 plants, corporation yards, or other similar
21 structures;



- 1 (8) Retention, restoration, rehabilitation, or improvement
- 2 of buildings or sites of historic or scenic interest;
- 3 (9) Roadside stands for the sale of agricultural products
- 4 grown on the premises;
- 5 (10) Buildings and uses, including but not limited to
- 6 mills, storage, and processing facilities, maintenance
- 7 facilities, and vehicle and equipment storage areas
- 8 that are normally considered directly accessory to the
- 9 above mentioned uses and are permitted under section
- 10 205-2(d);
- 11 (11) Agricultural parks;
- 12 (12) Plantation community subdivisions, which as used in
- 13 this paragraph means a subdivision or cluster of
- 14 employee housing, community buildings, and acreage
- 15 established on land currently or formerly owned,
- 16 leased, or operated by a sugar or pineapple plantation
- 17 and in residential use by employees or former
- 18 employees of the plantation; provided that the
- 19 employees or former employees shall have a property
- 20 interest in the land;
- 21 [+] (13) [+] Agricultural tourism conducted on a working farm, or
- 22 a farming operation as defined in section 165-2, for



1 the enjoyment, education, or involvement of visitors;
2 provided that the agricultural tourism activity is
3 accessory and secondary to the principal agricultural
4 use and does not interfere with surrounding farm
5 operations; and provided further that this paragraph
6 shall apply only to a county that has adopted
7 ordinances regulating agricultural tourism under
8 section 205-5; [~~or~~

9 ~~+] (14) [+]~~ Wind energy facilities, including the appurtenances
10 associated with the production and transmission of
11 wind generated energy; provided that [~~such~~] the wind
12 energy facilities and appurtenances are compatible
13 with agriculture uses and cause minimal adverse impact
14 on agricultural land~~[-]~~; or

15 (15) Biofuel processing facilities, including the
16 appurtenances associated with the production,
17 collection, or cultivation of biomass crops,
18 agricultural residues, and oil crops; provided that
19 biofuels processing facilities and appurtenances shall
20 be compatible with other agricultural uses in the
21 vicinity and cause a minimal adverse impact on
22 agricultural land.



1 For the purposes of this paragraph:

2 "Appurtenances" means operational
3 infrastructure of the appropriate type and scale
4 for economic commercial storage and distribution,
5 and other similar handling of feedstock, fuels,
6 and other products of biofuels processing
7 facilities.

8 "Biofuel processing facility" means a
9 facility that produces liquid or gaseous fuels
10 from organic sources such as biomass crops,
11 agricultural residues, and oil crops, including
12 palm, canola, soybean, and waste cooking oils;
13 grease; food wastes; and animal residues and
14 wastes that can be used to generate energy.

15 PART II. ENERGY FEEDSTOCK PRODUCTION

16 SECTION 4. The legislature finds that there is
17 considerable interest in producing biofuels in Hawaii to meet
18 alternative energy mandates. Current law requires a ten per
19 cent ethanol content for gasoline. The demand for biofuel
20 production in Hawaii is steadily increasing, which has been the
21 catalyst for the creation of private entities to produce
22 biofuels in this State. However, there is a lack of feedstock



1 in Hawaii to produce biofuels, which means that private entities
2 must import feedstock. Because of the state's remoteness, it is
3 imperative for the state to be energy self-sufficient.

4 Feedstock is necessary to produce biofuels in order to attain
5 energy self-sufficiency. There are many crops that can grow in
6 tropical environments that may be ideal feedstock for bioenergy
7 production.

8 The purpose of this part is to develop an energy feedstock
9 program within the department of agriculture to encourage the
10 production of energy feedstock in Hawaii and establish
11 milestones and objectives for energy feedstock to be grown in
12 the state to meet its energy requirements.

13 SECTION 5. Chapter 141, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§141- Energy feedstock program. (a) There is
17 established within the department of agriculture an energy
18 feedstock program that shall:

19 (1) Maintain cognizance of actions taken by industry and
20 by federal, state, county, and private agencies in
21 activities relating to the production of energy



- 1 feedstock, and promote and support worthwhile energy
2 feedstock production activities in the state;
- 3 (2) Serve as an information clearinghouse for energy
4 feedstock production activities;
- 5 (3) Coordinate development projects to investigate and
6 solve biological and technical problems involved in
7 raising selected species with commercial energy
8 generating potential;
- 9 (4) Actively seek federal funding for energy feedstock
10 production activities;
- 11 (5) Undertake activities required to develop and expand
12 the energy feedstock production industry; and
- 13 (6) Perform other functions and activities as may be
14 assigned by law, including monitoring the compliance
15 provisions under section 205-4.5(a)(15).
- 16 (b) The chairperson of the board of agriculture shall
17 consult and coordinate with the energy resources coordinator
18 under chapter 196 to establish milestones and objectives for the
19 production of energy feedstock that is grown in the state. The
20 chairperson and the coordinator shall report the state's
21 progress toward meeting such milestones and objectives annually
22 to the legislature.



1 (c) The chairperson of the board of agriculture shall also
2 consult and coordinate with research programs and activities at
3 the University of Hawaii that will assist in the further growth
4 and promotion of the energy feedstock production industry in
5 Hawaii.

6 (d) The chairperson of the board of agriculture may employ
7 temporary staff exempt from chapter 76. The board may adopt
8 rules pursuant to chapter 91 to effectuate the purposes of this
9 section."

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.



S.B. NO. 1943
S.D. 2
H.D. 2

Report Title:

Biofuels; Omnibus Package

Description:

Adds biofuel processing facilities to the list of permitted uses in an agricultural district. Establishes an energy feedstock program. (SB1943 HD2)

SB1943 HD2 HMS 2007-3671

