



GOV. MSG. NO. 739

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 15, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 15, 2009, the following bill was signed into law:

HB1351 HD2 SD1 CD1

A BILL FOR AN ACT  
RELATING TO PRIVATE AGRICULTURAL PARKS.  
ACT 122 (09)

Sincerely,



LINDA LINGLE

# A BILL FOR AN ACT

RELATING TO PRIVATE AGRICULTURAL PARKS.

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

1           SECTION 1. The legislature finds that many times,  
 2 necessary cooperation between and among adjoining and  
 3 neighboring agriculturalists is stifled by governmental  
 4 regulation and oversight.

5           The purpose of this Act is to encourage owners of  
 6 neighboring agricultural lands to enter into private agreements  
 7 to reduce the shared costs of generating and transmitting  
 8 electrical energy, cold water for refrigeration and cooling, and  
 9 nonpotable water for irrigation.

10          SECTION 2. The Hawaii Revised Statutes is amended by  
 11 adding a new chapter to be appropriately designated and to read  
 12 as follows:

**"CHAPTER**

**PRIVATE AGRICULTURAL PARKS**

15          § -1 **Private agricultural parks.** The owners of one or  
 16 more contiguous parcels, including public lands, within the  
 17 agricultural district may establish a private agricultural park.  
 18 The owners shall register the private agricultural park



1 agreement with the department of agriculture, on forms  
2 prescribed and prepared by the department, which shall include  
3 the following information for each private agricultural park:

- 4 (1) The names and addresses of all the parties;
- 5 (2) The tax map parcel numbers and number of acres in each  
6 parcel to be included in the private agricultural  
7 park;
- 8 (3) The types of agricultural activities and products  
9 being produced or to be produced by each party,  
10 including non-agricultural by-products that may  
11 include renewable sources of energy for the production  
12 of electrical energy or liquid fuel and cold water for  
13 cooling, processing, and air conditioning purposes;  
14 and
- 15 (4) Other information that the department of agriculture  
16 determines may be of assistance in promoting the  
17 private agricultural park;

18 provided that, by subsequent filings, a private agricultural  
19 park may add or delete parties and parcels from its original  
20 filing.

21 **§ -2 Activities permitted in a private agricultural**  
22 **park.** Within a private agricultural park, pursuant to private



1 agreements between any or all of the parties of the private  
2 agricultural park agreement, one or more of the parties may:

3 (1) Engage in the generation of electrical energy from  
4 fossil fuel or renewable energy sources, including the  
5 use of falling water, biomass, wind, and solar energy.  
6 Any electrical energy generated within the boundaries  
7 of the private agricultural park, whether by a party  
8 or parties to the agreement or through an agreement  
9 between a party or parties and a nonparty independent  
10 energy producer, may be produced, sold, transmitted,  
11 and consumed by any other party of the private  
12 agricultural park agreement; provided that the  
13 electrical energy generated is used for agricultural  
14 purposes including but not limited to the pumping of  
15 agricultural water, cooling, air conditioning, or  
16 agricultural processing; provided further that the  
17 electrical energy generated is used within the  
18 established boundaries of the private agricultural  
19 park; and provided further that the transmission and  
20 distribution system is solely owned by a party of the  
21 private agricultural park agreement;



- 1 (2) Collect, sell, and distribute cold water to any other  
2 party of the private agricultural park agreement to  
3 operate cooling and processing facilities for  
4 agricultural products or for air conditioning;
- 5 (3) Collect, store, sell, and distribute nonpotable water  
6 for irrigation purposes to any other party of the  
7 private agricultural park agreement; and
- 8 (4) Engage in any other lawful activity within the  
9 boundaries of the private agricultural park for the  
10 benefit of one or more of its parties.

11 **§ -3 Annual report.** (a) Every private agricultural  
12 park shall file with the chairperson of the board of agriculture  
13 an annual report as prescribed by the chairperson. A copy of  
14 the report shall be submitted to the parties of the private  
15 agricultural park agreement at an annual meeting or mailed to  
16 each party of the private agricultural park agreement.

17 (b) The annual report shall include an affidavit that  
18 electricity generated and distributed within the private  
19 agricultural park was used solely for agricultural purposes  
20 within the private agricultural park."

21 SECTION 3. This Act shall take effect upon its approval.



H.B. NO. 1351  
H.D. 2  
S.D. 1  
C.D. 1

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APPROVED this 15 day of JUN , 2009



GOVERNOR OF THE STATE OF HAWAII