

STAND. COM. REP. NO. 683

Honolulu, Hawaii

March 5, 2009

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

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and Energy & Environmental Protection, to which was referred H.B. No. 589 entitled:

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

beg leave to report as follows:

The purpose of this bill is to exempt the siting, development, construction, and operation of renewable energy facilities from state and county requirements applicable to the subdivision and consolidation of land, changes in legal boundaries, or the creation or consolidation of lots, easements, or other interest in land.

The Department of Business, Economic Development, and Tourism testified in support of this bill. Castle & Cooke Hawaii supported this measure with amendments. Title Guaranty of Hawaii, Inc., submitted testimony in support of the intent of this bill. The Department of Planning and Permitting for the City and County of Honolulu opposed this measure.

Your Committees have amended this bill by:

- (1) Deleting the amendment to the definition of "permit";
- (2) Clarifying and narrowing the scope of the exemption from subdivision requirements to apply to lots created by leases and easement grants for the development and

HB589 HD1 HSCR WLO-EEP HMS 2009-2483



financing of renewable energy projects and access to such projects;

- (3) Specifically allowing owners of such lots and easements to:
 - (a) Lease all or a portion of their land for a renewable energy project site or access to the site;
 - (b) Grant easements or other possessory interests to use all or a portion of the land for a renewable energy project or access to the site;
 - (c) Record instruments setting forth the rights granted; and
 - (d) Mortgage and assign the leases and easements for security purposes;
- (4) Using the term, "renewable energy project" instead of "renewable energy facility" for broader application of the exemption to include smaller projects that do not fall under the definition of renewable energy facility in Chapter 201N, Hawaii Revised Statutes;
- (5) Requiring the Land Court, Bureau of Conveyances, and other governmental agencies to accept for filing and recording all instruments and maps created pursuant to this bill;
- (6) Changing the effective date to January 1, 2020, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 589, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 589, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land, &
Ocean Resources and Energy &
Environmental Protection,

for *Denny Coffman, Vice Chair*
HERMINA MORITA, Chair

K. Ito
KEN ITO, Chair



Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HB 589	Committee Referral: WLO/EEP	Date: 2/24/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.	✓			
8. LEE, Chris	✓			
9. LUKE, Sylvia	✓			
10. MORITA, Hermina M.	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	13			
TOTAL (13)				
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral _____ committee acronym(s) _____ did not support recommendation.				
Vice Chair's or designee's signature: _____ <i>Sharon E. Har</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

