
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. Following the 2009 legislative session, the
2 chairs of the senate committee on economic development and
3 technology and the house committee on economic revitalization,
4 business and military affairs convened a technology caucus work
5 group to bring together industry stakeholders and interested
6 policymakers to develop recommendations for legislation to
7 enhance Hawaii's struggling economy. The work group provided a
8 forum to review the current status of Hawaii's
9 science/technology industry, identify state or county actions
10 that impede long-term growth and expansion of technology
11 companies, and develop recommendations to address these
12 impediments. The work group also identified best practices
13 supporting the growth and development of science/technology
14 industries in other jurisdictions to aid in developing proposed
15 suggestions for future legislation.

16 The legislature finds that Act 173, Session Laws of Hawaii
17 2009, allows renewable energy projects to be exempted from



1 subdivision requirements. As adopted, however, the law declares
2 an application to be disapproved if no action is taken by the
3 applicable agency within the proscribed ninety days.

4 The purpose of this Act is to implement recommendations of
5 the technology caucus work group by requiring the application to
6 be deemed approved if not disapproved within the ninety-day
7 period.

8 SECTION 2. Section 201N-14, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) The exemption from subdivision requirements
11 authorized by this section shall only apply to leases and
12 easements that meet the following requirements and shall be
13 subject to the following limitations:

14 (1) The lease or easement shall restrict the use of the
15 leased land or easement area to the development and
16 operation of a renewable energy project; provided
17 that, to comply with section 205-4.6, agricultural
18 uses and activities shall not be restricted on
19 agricultural land;

20 (2) The lease shall have an initial term of at least
21 twenty years;



- 1 (3) With respect to leases and easements on lands within
2 an agricultural state land use district, the exemption
3 from subdivision requirements provided by this section
4 shall be for solar energy facilities permitted under
5 section 205-2(d)(6), on land with soil classified by
6 the land study bureau's detailed land classification
7 as overall (master) productivity rating class D or E;
- 8 (4) With respect to leases and easements on lands within a
9 conservation state land use district, the exemption
10 from subdivision requirements provided by this section
11 shall be for wind energy facilities, including the
12 appurtenances associated with the production and
13 transmission of wind-generated energy; and
- 14 (5) The county agency charged with administering
15 subdivisions in the county in which the renewable
16 energy project is to be situated or, if the land is in
17 a conservation state land use district, the department
18 of land and natural resources, shall approve the
19 exemption from subdivision requirements within ninety
20 days after the project's developer and the owner of
21 the land on which the renewable energy project is to
22 be situated have submitted the conceptual schematics



1 or preliminary plans and specifications for the
 2 renewable energy project to the county agency or the
 3 department of land and natural resources, and have
 4 provided to such county agency or the department of
 5 land and natural resources, as applicable, a
 6 certification and agreement that all applicable and
 7 appropriate environmental reviews and permitting shall
 8 be completed prior to commencement of development of
 9 the renewable energy project. If, on the ninety-first
 10 day, an exemption has not been [~~approved,~~
 11 disapproved, it shall be deemed [~~disapproved]~~ approved
 12 by the county agency or the department of land and
 13 natural resources, whichever is applicable."

14 SECTION 3. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:



Hammi Noui



JAN 25 2010



Report Title:

Renewable Energy; Subdivision Requirements Exemption

Description:

Requires an exemption from subdivision requirements for a renewable energy facility to be deemed approved if not disapproved within the ninety-day time period.

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