

STAND. COM. REP. NO.

216

Honolulu, Hawaii

Feb 11, 2011

RE: H.B. No. 122  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources, to which was referred H.B. No. 122 entitled:

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

beg leave to report as follows:

The purpose of this bill is to encourage and facilitate the development of renewable energy facilities in Hawaii by extending the exemption for renewable energy projects from subdivision requirements on State agricultural or conservation lands.

The Department of Business, Economic Development and Tourism and Land Use Research Foundation of Hawaii testified in support of this bill. The Department of Land and Natural Resources supported the intent of this measure.

Hawaii is one of the most fossil fuel dependent states in the nation with a majority of our oil being imported. This makes the State extremely vulnerable to any oil embargo, supply disruption, international market dysfunction, and many other factors beyond the control of the State. Furthermore, the continued consumption of conventional petroleum fuel and price volatility can negatively impact the environment and economic health of the people of Hawaii. At the same time, Hawaii has among the most abundant renewable energy resources in the world, in the form of solar, geothermal, wind, biomass, and ocean energy assets.

HB122 HD1 HSCR EEP-WLO HMS 2011-2019



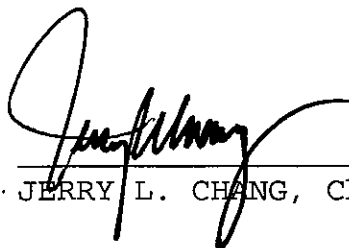
Increasing energy efficiency and use of renewable energy resources would increase Hawaii's energy self-sufficiency, achieving broad societal benefits, including increased energy security, resistance to increases in oil prices, environmental sustainability, economic development, and job creation. To develop and finance renewable energy facilities, a site for the facilities and access to the site must often be leased, granted as an easement, or mortgaged to provide financing for the project. Renewable energy projects may require site acreage or configurations that do not coincide with existing, already subdivided lot boundaries. Currently, however, subdivision laws generally prohibit the transfer of an interest in land that is not an entire subdivided lot or easement that has been approved by the applicable county. With respect to land in the land court system, the additional step of obtaining land court approval is required. Act 173, Session Laws of Hawaii 2009, was enacted to address this issue.

Your Committee finds that extending the sunset date of Act 173 will further encourage the development of renewable energy facilities and assist Hawaii in meeting its clean energy goals.

Your Committee has amended this bill by specifying that the exemption for renewable energy projects from subdivision requirements on State agricultural or conservation lands shall be extended until July 1, 2020.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 122, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 122, H.D. 1, and be referred to the Committee on Agriculture.

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

  
\_\_\_\_\_  
JERRY L. CHANG, Chair

*for*  Vice Chair  
\_\_\_\_\_  
HERMINA MORITA, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

Record of Votes of the Committee on Energy & Environmental Protection

| Bill/Resolution No.:<br><b>HB 122</b>   | Committee Referral:<br><b>EEP/WLO, AGR</b> | Date:<br><b>2-08-2011</b> |          |          |
|---|--|---------------------------|----------|----------|
| <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<br><input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |  |                           |          |          |
| EEP Members   | Ayes                                       | Ayes (WR)                 | Nays     | Excused  |
| 1. MORITA, Hermina M. (C)   | ✓  |                           |          |          |
| 2. COFFMAN, Denny (VC)  | ✓  |                           |          |          |
| 3. CABANILLA, Rida T.R.   |  |                           |          | ✓        |
| 4. CARROLL, Mele  |  |                           |          | ✓        |
| 5. CHANG, Jerry L.  | ✓  |                           |          |          |
| 6. CHONG, Pono  | ✓  |                           |          |          |
| 7. HAR, Sharon E.   |  |                           |          | ✓        |
| 8. HERKES, Robert N.  | ✓  |                           |          |          |
| 9. ITO, Ken   |  |                           |          | ✓        |
| 10. NAKASHIMA, Mark M.  | ✓  |                           |          |          |
| 11. RIVIERE, Gil  | ✓  |                           |          |          |
| 12. THIELEN, Cynthia  | ✓  |                           |          |          |
| <b>TOTAL (12)</b>   | <b>8</b>                                   | <b>0</b>                  | <b>0</b> | <b>4</b> |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br>committee acronym(s)   |  |                           |          |          |
| Vice Chair's or designee's signature: <u><i>Hermina Morita</i></u>  |  |                           |          |          |
| Distribution:    Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO   |  |                           |          |          |

