

STAND. COM. REP. NO.

2930

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2150
H.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 2150, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the use of photovoltaic systems, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of property in agricultural districts.

Your Committee received testimony in support of this measure from Kamehameha Schools and the Hawaii Aquaculture and Aquaponics Association. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that this measure will help individual farmers and landowners to reduce the electrical cost of running pumps and processing operations while providing electrical service in locations where a conventional electrical hookup is not possible. Your Committee further finds that clean energy that assists in the operations of local farms and agricultural projects serves a dual purpose of providing food and energy self-sufficiency for the State of Hawaii.

Your Committee recognizes that this measure proposes to amend section 205-2(d)(7), Hawaii Revised Statutes (HRS), to include photovoltaic and biogas systems as allowable uses supporting bona



vide agricultural services in agricultural districts. This measure also proposes to amend section 205-4.5(a)(10), HRS, to allow photovoltaic and biogas systems specifically on soil classified as productivity rating class A or B. Currently, section 205-2(d)(6), HRS, allows solar energy facilities to exist in agricultural districts subject to several restrictions while section 205-4.5(a)(19), HRS, permits solar energy facilities on soil classified as productivity rating class B, subject to certain conditions, but expressly disallows solar energy facilities on soil classified with as productivity rating class A. Your Committee is aware that sections 205-2 and 205-4.5, HRS, do not contain a definition of the term "solar energy facilities". As such, your Committee suggests that as this measure progresses through the legislative process, further discussion and clarification occur to ensure that solar energy facilities are not considered to be photovoltaic systems for purposes of this measure.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2150, H.D. 2, and recommends that it pass Second Reading and be referred to the Committees on Energy and Environment and Water, Land, and Housing.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture,

Clarence K Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2150, HD2	AGL, ENE/WLH	3-15-2012
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
NISHIHARA, Clarence K. (C)	✓	
KAHELE, Gilbert (VC)	✓	
CHUN OAKLAND, Suzanne		✓
DELA CRUZ, Donovan M.	✓	
KOUCHI, Ronald D.	✓	
SHIMABUKURO, Maile	✓	
TOKUDA, Jill N.		✓
WAKAI, Glenn	✓	
SLOM, Sam		✓
TOTAL	6	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:	Original File with Committee Report	Yellow Clerk's Office
	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes