

STAND. COM. REP. NO. 3316

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 2150
H.D. 2
S.D. 1

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

Sir:

Your Committees on Energy and Environment and Water, Land, and Housing, to which was referred H.B. No. 2150, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to include photovoltaic, biogas, and other small-scale renewable energy systems that produce energy solely for use in the agricultural activities of the fee or leasehold owner of property as bona fide agricultural services and uses that are allowed in agricultural districts, including land with soils classified as overall (master) productivity rating class A or B.

Your Committees received testimony in support of this measure from Kamehameha Schools and Sovereign Councils of the Hawaiian Homelands Assembly. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees acknowledge that the costs of electricity and land in Hawaii place a financial burden on the agricultural industry. Compared to other states, the costs of electricity and land in Hawaii are significantly high. With advances in renewable energy technology, however, farmers in Hawaii have a tool to reduce the cost of electricity that is used for agricultural operations.



Your Committees recognize that existing state land use laws do not allow farmers to build solar photovoltaic, biogas, and other small-scale renewable energy systems on prime agricultural lands. With farmers already confronting high costs of electricity and land, however, preventing them from building renewable energy systems solely for agricultural activities is unwarranted. Renewable energy systems that are solely for agricultural activities will benefit farmers who build them.

Your Committees find that removing an unnecessary barrier to the development of sustainable agriculture comports with Article XI, section 3, of the Constitution of the State of Hawaii. That section provides that "[t]he State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands."

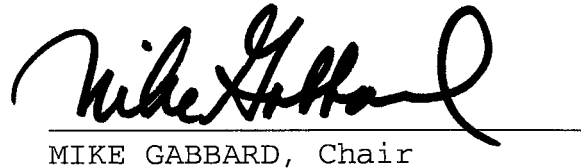
Your Committees have amended this measure by changing its effective date to upon approval.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Water, Land, and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2150, H.D. 2, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2150, H.D. 2, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Water, Land,
and Housing,



DONOVAN M. DELA CRUZ, Chair

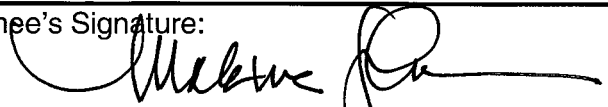


MIKE GABBARD, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land and Housing
WLH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2150 HD2	AGL, ENE/WLH	4/3/12		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol				✓
RYAN, Pohai	✓			
SHIMABUKURO, Maile				✓
TOKUDA, Jill N.	✓			
SLOM, Sam				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes