



use, it does not require a special permit. A special permit is only needed if the use is not already a permissible use.

There are different ways in which this bill could be amended to resolve these legal issues. We understand that the Office of Planning has suggested that the wording currently contained in this bill be inserted instead into section 205-6, HRS. We agree that the Office of Planning's proposal would resolve these legal issues. The new subsection would read as follows:

(g) An aerospace high technology park may be permitted in the agricultural district by special permit under this section, on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class C, D, or E.

For purposes of this subsection, an "aerospace high technology park" includes aerospace, processing, manufacturing, research, or instructional enterprises for aerospace high technology, commercial or experimental rocketry, satellite, lunar, nextgen avionics, solid waste resource recovery systems, enterprises for the development, processing, or transmission of alternative energy, industrial parks as defined in section 206M-1, retail, including food serving establishments, and wholesale, industry, processing, transportation, or manufacturing enterprises the primary purpose of which is to serve or provide products to the aerospace high technology enterprises or their employees. "Alternative energy" means energy derived other than from the processing of petroleum. "High technology" includes computer software and hardware, microprocessors, telecommunication devices, and robotics.

Finally, we note that there is a concern as to whether this bill meets the subject title requirements of article III, section 14, of the Hawaii State Constitution, which states that "[e]ach law shall embrace but one subject, which shall be expressed in its title." While the bill as amended seeks to amend land use laws, chapter 205, HRS, the bill as introduced proposed a new type of land use district, the aerospace high technology district, in addition to the four land use districts recognized currently in chapter 205, HRS. In its present form, the bill allows for aerospace high technology uses within the agricultural district, and no longer provides for aerospace high technology districts, although that is the subject expressed in the bill's title. It may be prudent, therefore, to insert the contents of this bill into another legislative vehicle with an appropriate title.

We respectfully recommend that the Committees make the proposed amendment to section 205-6, HRS and insert the contents of this bill into another legislative vehicle with an appropriate title.