

Honolulu, Hawaii
April 4, 2014

RE: S.B. No. 2658
S.D. 3
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water & Land, to which was referred S.B. No. 2658, S.D. 3, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to complement the uses of utility scale solar energy generation and local food production on agricultural land with an overall productivity rating of class B or C even if percentage of acreage limits are exceeded, by requiring a special use permit for the solar energy facility which:

- (1) Requires that the area occupied by the facility be made available for compatible agricultural activities at a lease rate that is at least fifty percent below fair market rent for comparable properties; and
- (2) Requires that the facility be decommissioned and removed within twelve months of the conclusion of operations.

The Department of Business, Economic Development, and Tourism; Department of Planning and Permitting City and County of Honolulu; Tin Roof Ranch; and Blue Planet Foundation supported this measure. The Department of Agriculture; Office of Planning;



Land Use Commission; First Wind Solar Group; and Hawaii Renewable Energy Alliance commented on this measure.

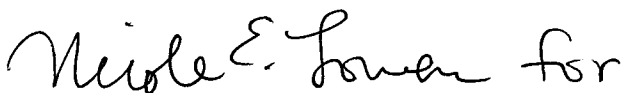
Your Committees note the concerns that were raised regarding the competing uses on agricultural lands. Accordingly, your Committees have amended this measure by additionally requiring, with respect to special use permits required for solar energy facilities exceeding percentage of acreage requirements on agricultural land with an overall productivity rating of class B or C:

- (1) That the applicant provide proof of financial security to decommission the facility to the satisfaction of the appropriate county planning commission prior to the date of commencement of commercial generation; and
- (2) Decommissioning similar to that currently required under Hawaii law for wind energy facilities, including decommissioning at owner expense, facility removal within twelve months of the conclusion of operations or the facility's useful life, and restoration of the disturbed earth to substantially the same condition as prior to facility development.

Your Committees have also made technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2658, S.D. 3, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2658, S.D. 3, H.D. 2.

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


CINDY EVANS, Chair


CHRIS LEE, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB2658, SD3, HD1	Committee Referral: AGR, EEP/WAL	Date: 3/27/14		
<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 <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. HANOHANO, Faye P.				✓
5. KAWAKAMI, Derek S.K.	✓			
6. LEE, Chris	✓			
7. SAY, Calvin K.Y.	✓			
8. NISHIMOTO, Scott Y.	✓			Yes
9. FALE, Richard Lee				✓
10. THIELEN, Cynthia			✓	
TOTAL (10)	7	0	1	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Nicole E. Lowen</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				