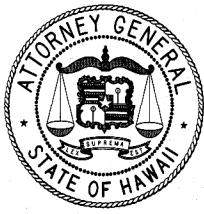




LATE

HB2636 HD2

Measure Title: RELATING TO SOLAR ENERGY FACILITIES.
Report Title: Solar Energy Facilities; Agricultural Districts
Description: Requires a county that meets certain conditions to require solar energy facilities in farm dwellings in agricultural districts with a capacity of more than twenty-five kilowatts to obtain a special permit. (HB2636 HD2)
Companion:
Package: None
Current Referral: PSM/TRE, WAM
Introducer(s): CREAGAN



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 2636, H.D. 2, RELATING TO SOLAR ENERGY FACILITIES.

BEFORE THE:

SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS, AND ON TRANSPORTATION AND ENERGY

DATE: Thursday, March 17, 2016 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Bryan C. Yee, Deputy Attorney General

Chairs Nishihara and Inouye and Members of the Committees:

The Department of the Attorney General provides the following technical comments.

The purpose of this bill is to require special permits before allowing solar energy facilities with a capacity of more than 25 kilowatts in certain areas of the agricultural district in Hawaii County.

This bill proposes to amend section 205-2(d), Hawaii Revised Statutes (HRS), to mandate that counties require special permit approval before allowing solar energy facilities with a capacity of more than 25 kilowatts in certain areas of the agricultural district in Hawaii County. Rather than creating a mandate on the counties to require a special permit, we recommend placing the mandate on the landowner to get a special permit. The changes to the proposed wording on page 3, lines 11 through 14, are submitted in Ramseyer format as follows:

~~[the county shall require]~~ a special permit approval pursuant to section 205-6 shall be required when the capacity of solar energy production totals more than twenty-five kilowatts;

These technical changes are more consistent with the wording in other parts of section 205-2(d), which place restrictions on the use of the land rather than requirements on the counties.

Thank you for this opportunity to provide testimony.