

STAND. COM. REP. NO. 3138

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 2863
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Energy and Environment and Water and Land and Intergovernmental and Military Affairs, to which was referred H.B. No. 2863, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this measure is to establish a renewable energy facility siting process to expedite the review and action upon state and county permits necessary for the siting, development, construction, and operation of a renewable energy facility.

Specifically, the measure provides the Energy Resources Coordinator (Coordinator) with the authority to establish and implement a consolidated application process to facilitate the expedited siting, development, construction, and operation of a renewable energy facility.

Testimony in support of this measure was submitted by the Public Utilities Commission; Imperium Renewables Hawaii; and Castle & Cooke Hawaii. Testimony in opposition to this measure was submitted by Hawaii Energy Policy Forum; Sierra Club, Hawaii Chapter; Department of Planning and Permitting of the City and County of Honolulu; and twelve private citizens. Comments were submitted by the Department of Health; Department of Business, Economic Development, and Tourism; Hawaii Renewable Energy



Alliance; The University of Hawaii Environmental Center, Life of the Land; and three private citizens.

Your Committees have amended this measure by adopting language that preserves the Coordinator's the authority to oversee the consolidated application process, but preserves the authority of the state and county agencies to review and approve applicable permits under their respective jurisdictions. The Coordinator's role, under the amended measure is to:

- (1) Consult with appropriate state and county agencies to develop and establish a consolidated application;
- (2) Receive a consolidated application, in a form as the Coordinator shall prescribe, from an applicant for the approval of the siting, development, construction, and operation of a renewable energy facility, with an appropriate initial application fee as determined by the Coordinator;
- (3) Identify all state and county permits necessary for approval of the renewable energy facility;
- (4) Assist in the permit application process by coordinating permitting processes, giving technical assistance, overseeing the creation of the permit plan, and providing general oversight to facilitate the successful and expedient permitting of the siting of a renewable energy facility;
- (5) Gather from the applicant any information the Coordinator finds relevant and necessary for the reviewing and processing of a permit application by the federal, state, and county agencies; and
- (6) Work with the federal, state, and county agencies and the applicant to determine the terms and conditions of the permits that are necessary to effectuate this measure and to protect the public health and safety and promote the general welfare.

As part of the expedited process, the measure authorizes the Coordinator to adopt interim rules without regard to the public notice and hearing requirements of chapter 91, Hawaii Revised Statutes, or the small business impact review requirements of




chapter 201M, Hawaii Revised Statutes. Your Committees find that there are possible concerns regarding this exemption and encourages further review by subsequent Committees.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Water and Land and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2863, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2863, H.D. 2, S.D. 1, and be referred to the Committees on Commerce, Consumer Protection, and Affordable Housing and Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Energy and Environment and Water and Land and Intergovernmental and Military Affairs,



CLAYTON HEE, Chair



RON MENOR, Chair

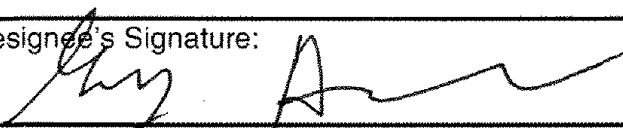


LORRAINE R. INOUÉ, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii


Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* HB 2863 HD2	Committee Referral: ENE/WTL/IGM, CPH/WAM	Date: 3/9/08		
<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
MENOR, Ron (C)	✓			
HOOSER, Gary L. (VC)	✓			
IHARA, Jr., Les				✓
KOKUBUN, Russell S.	✓			
TRIMBLE, Gordon	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii


Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2863, HD2	ENE/WTL/IGM, CPH/WAN	3/19/08		
<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
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol				/
TOKUDA, Jill N.	/			
WHALEN, Paul	/			/ RSK
TOTAL	4			1
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	

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The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Intergovernmental and Military Affairs
IGM

Bill / Resolution No.:* HB2863 HD2	Committee Referral: ENE/NTL/IGM, CPH/WAM	Date: 3/19/08		
<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
INOUYE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred				/
TOTAL	2	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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