

Honolulu, Hawaii

April 30, 2009

RE: H.B. No. 589
H.D. 1
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 589, H.D. 1, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to facilitate the financing and development of renewable energy projects by exempting from subdivision requirements, certain leases and easements for renewable energy projects, together with other security instruments for the financing of these projects. The provisions authorizing the exemption sunset on July 1, 2013.

Your Committee on Conference has amended this bill by:

- (1) Noting in the purpose section the possibility of facilitating projects to promote energy self-sufficiency,



while protecting the integrity of state and county laws and their purposes;

- (2) Including within the exemption from the subdivision requirements, the appurtenances associated with the production and transmission of wind-generated energy, not just necessary appurtenances;
- (3) In applying for exemption from the subdivision requirements, requiring the developer of the project and the owner of the land on which the project lies, to submit to the appropriate agency:
 - (A) Either conceptual schematics or preliminary plans and specifications for the project; and
 - (B) A certification and agreement that all applicable and appropriate environmental reviews and permitting shall be completed prior to the commencement of the development of the project;
- (4) Making any material change after June 30, 2013, regarding the leased land or easement area subject to the subdivision requirements;
- (5) Defining "material change" as any material change affecting the location, size, boundaries, or configuration of the leased land or the easement area that would require approval under the subdivision requirements;
- (6) Changing the sunset date to July 1, 2013; and
- (7) Making technical, nonsubstantive changes for style, clarity, and conformity.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 589, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 589, H.D. 1, S.D. 2, C.D. 1.

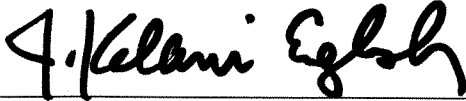


Respectfully submitted on behalf
of the managers:

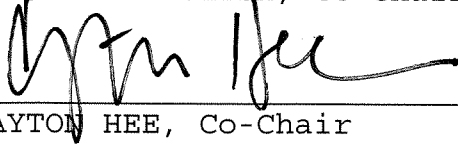
ON THE PART OF THE SENATE



MIKE GABBARD, Chair

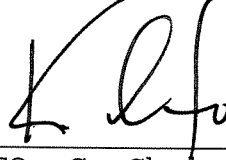


J. KALANI ENGLISH, Co-Chair



CLAYTON HEE, Co-Chair

ON THE PART OF THE HOUSE



KEN ITO, Co-Chair



HERMINA MORITA, Co-Chair



