

STAND. COM. REP. NO.

452

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 50
S.D. 1

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

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Energy and Environment, to which was referred S.B. No. 50 entitled:

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

beg leave to report as follows:

The purpose of this measure is to require the Board and Land and Natural Resources to conduct public hearings prior to awarding a lease of public land to a renewable energy producer.

Testimony in support of this measure was submitted by four organizations and sixteen public citizens. Three state agencies, one organization, and ten public citizens supported the intent of the measure. One organization and one public citizen provided comments, and one public citizen submitted testimony in opposition. Copies of written testimony are available for review on the Legislature's website.

Your Committees find that recent events have led to the need for increased community involvement in the issuance of long-term leases for renewable energy producers. Several large pasture lessees of State owned lands recently woke up to read in the newspaper that the Department of Land and Natural Resources would be holding a hearing the following day for a bio-fuels project that could take away some or all of their leases. These affected lessees had not been contacted by the Department of Land and Natural Resources.



Your Committees further find this measure provides for an open process that allows for the fair evaluation of multiple energy producers interested in the same public lands for energy projects. Your Committees believe that encouraging renewable energy producers to seek private lands as well as public lands is preferable and that current lessees should not be terminated if they are in full compliance with their lease. Your Committees further believe that current lessees and energy producers can come together with the shared vision of an increased local food supply and locally-produced energy.

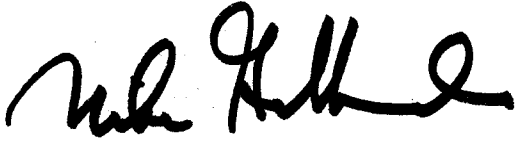
Your Committees have amended this measure by:

- (1) Deleting the requirement that the renewable energy producer project not be exclusively dependent upon acquiring state land;
- (2) Clarifying that the amendments to section 171-95, Hawaii Revised Statutes, do not prevent the Department of Land and Natural Resources from participating in direct negotiations with renewable energy producers;
- (3) Providing a right of first refusal for renewable energy producers when renewing a lease with the Department of Land and Natural Resources; and
- (4) Requiring the Department of Land and Natural Resources to conduct the public hearings in the vicinity of the public lands under discussion, by removing the term "county" and replacing it with the term, "island".

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Energy and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 50, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 50, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Energy and
Environment,



MIKE GABBARD, Chair

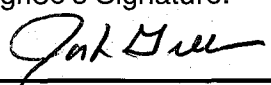


CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* SB 50	Committee Referral: WTL/ENE	Date: 1/30/9		
<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
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
HOOSER, Gary L.				✓
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.	✓			
HEMMINGS, Fred	✓			
TOTAL	5	0	0	2
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				

*Only one measure per Record of Votes