

STAND. COM. REP. NO.

1018

Honolulu, Hawaii

**MAR 22 2013**

RE: H.B. No. 1149  
H.D. 3  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committees on Energy and Environment and Commerce and Consumer Protection, to which was referred H.B. No. 1149, H.D. 3, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a wind energy facility owner to be responsible for facility decommissioning; and
- (2) Provide evidence of financial security for decommissioning, unless the owner has an existing lease or other agreement that provides for decommissioning.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs, Division of Consumer Advocacy; and thirty-one individuals. Testimony in opposition to this measure was submitted by one individual.

Your Committees find that production of wind energy on a commercial scale frequently requires significant land disturbance and large installations consisting of wind turbines, electrical substations, electrical lines, and other supporting systems. Wind energy facilities, if abandoned or not properly maintained, could pose a hazard to public health, safety, and welfare through



mechanical failures, electrical hazards, or the release of hazardous substances. Abandoned or neglected wind energy facilities may also be a blight on the State's natural beauty.

Your Committees further find that other states with large-scale wind energy facilities have developed robust decommissioning regulations for windmills that are abandoned or left in disrepair. Decommissioning regulations help to ensure the health and safety of the public, especially those persons residing near the wind energy facility.

Your Committees have amended this measure by:

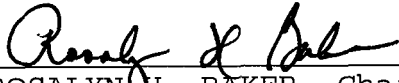
- (1) Adding language limiting the applicability of this measure to those wind energy facilities utilizing the renewable energy facility siting process;
- (2) Adding language to specify that county permitting agencies shall not be prevented from including decommissioning requirements as a condition for a building permit;
- (3) Requiring the owner of the land on which a wind energy facility that fails to complete decommissioning within a given time period, rather than the Energy Resources Coordinator, to complete decommissioning of that wind energy facility and making conforming amendments;
- (4) Authorizing a land owner responsible for decommissioning, as described in paragraph (3), to have access to the financial security required by this measure for the decommissioning;
- (5) Amending the effective date from July 1, 2030, to upon approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1149, H.D. 3, as amended herein, and recommend that it pass Second Reading in the

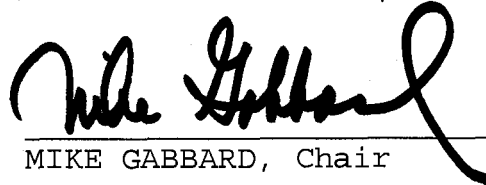


form attached hereto as H.B. No. 1149, H.D. 3, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Energy and Environment and Commerce and Consumer Protection,



ROSALYN H. BAKER, Chair

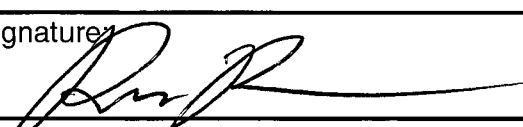


MIKE GABBARD, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1149 HD3	ENE/CPN, WAM	3/14/13		
<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)	X			
RUDERMAN, Russell E. (VC)	X			
CHUN OAKLAND, Suzanne				X
IHARA, Jr., Les				X
SLOM, Sam	X			
<b>TOTAL</b>	<b>3</b>		<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>HB1199, HD3</b>	Committee Referral: <b>ENE/CPN, WAM</b>	Date: <b>3/14/13</b>		
<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
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
NISHIHARA, Clarence K.				✓
SOLOMON, Malama	✓			
TANIGUCHI, Brian T.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;"> </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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