

STAND. COM. REP. NO. 3129

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 2077
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Transportation and Energy and Water, Land, and Agriculture, to which was referred H.B. No. 2077, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HYDROELECTRIC POWER,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize, in agricultural districts, the construction of small hydropower facilities as defined by the United States Department of Energy in a manner that combines clean energy infrastructure and irrigation for agricultural lands.

Your Committees received testimony in support of this measure from the Department of Agriculture, Agribusiness Development Corporation, Department of Land and Natural Resources, Hawai'i Farm Bureau, Ulupono Initiative, and Hawai'i Community Foundation. Your Committees received testimony in opposition to this measure from Hawaiian Electric Company, Inc. Your Committees received comments on this measure from the Department of the Attorney General, Earthjustice, and Hawaii Fresh Water Council.

Your Committees find that renewable energy is important to the State's energy goals. Hydroelectric facilities can serve as a feasible alternative energy source to meet such goals. Viable farming and ranching activities on agricultural lands must be maintained in order to retain such lands for future generations. Lands capable of supporting viable agricultural activities should

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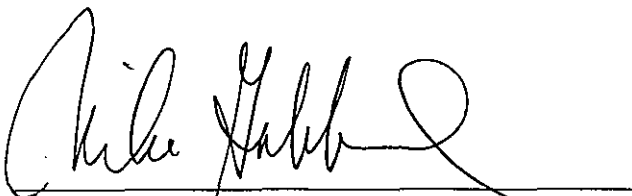
be protected and kept in agriculture. Hydroelectric facilities can provide the State with alternative energy options, as long as it is secondary to agricultural activities on agricultural lands.

Your Committees have amended this measure by:

- (1) Deleting language allowing a hydroelectric facility in agricultural districts regardless of whether the facility is a bona fide agricultural service or use that supports agricultural activities;
- (2) Adding language to clarify that the new instream flow standard applies only if the project involves new or expanded diversions;
- (3) Deleting the requirement that a hydroelectric facility wheel only to non-contiguous sites that have bona fide agricultural activities;
- (4) Inserting an effective date of July 1, 2016; and
- (5) 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 Transportation and Energy and Water, Land, and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2077, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2077, H.D. 2, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Energy and Water, Land, and
Agriculture,

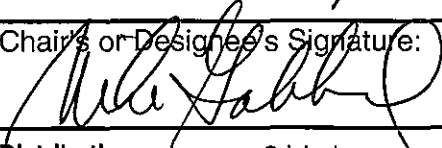

MIKE GABBARD, Chair


LORRAINE R. INOUYE, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i


Record of Votes
Committee on Transportation and Energy
TRE

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2077, HDZ	TRE/WLA, CPA	03-22-16		
<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
INOUE, Lorraine R. (C)	✓			
GABBARD, Mike (VC)	✓			
CHUN OAKLAND, Suzanne				✓
ENGLISH, J. Kalani	✓			
KIDANI, Michelle N.	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
TOTAL	5	-	-	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

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, and Agriculture
WLA

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2077, HD2	TRE/WLA, CPH	3-22-16		
<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)	/			
NISHIHARA, Clarence K. (VC)	/			
DELA CRUZ, Donovan M.	/			
RIVIERE, Gil				/
RUDERMAN, Russell E.				/
SHIMABUKURO, Maile S.L.	/			
THIELEN, Laura H.	/			
WAKAI, Glenn	/			
SLOM, Sam				/
TOTAL	6			3
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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