

Honolulu, Hawaii

March 24, 2016

RE: S.B. No. 2535
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water & Land, to which was referred S.B. No. 2535, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO GEOTHERMAL,"

beg leave to report as follows:

The purpose of this measure is to promote uniformity throughout Hawaii with respect to geothermal energy by:

- (1) Clarifying that the regulation of geothermal resources development and geothermal resources exploration are reserved to the State, unless delegated to the counties by statute;
- (2) Requiring the lessee of a mining lease to comply with state and county laws relating to building, grading, and flood control codes; and
- (3) Requiring the rules of the Board of Land and Natural Resources regarding mining operations, geothermal resources development, and geothermal resources exploration, including drilling conditions and restrictions, to be uniform throughout Hawaii.

The Geothermal Energy Association, Hawaii Association of Realtors, Hawaii Laborers-Employers Cooperation and Education Trust, Ormat Nevada Inc., Chamber of Commerce of Hawaii, Hawaii

SB2535 HD1 HSCR EEP-WAL HMS 2016-2961-1



Island Chamber of Commerce, Japanese Chamber of Commerce and Industry of Hawaii, Island Energy Inquiry, and numerous concerned individuals supported this measure. The Department of Land and Natural Resources supported the intent of the measure. Puna Pono Alliance; Life of the Land; Pele Lani Farm LLC; Malama O Puna; Malu 'Aina; We Are One, Inc.; and numerous concerned individuals opposed the measure. The Office of Hawaiian Affairs; Department of Business, Economic Development, and Tourism; Hawaii County Civil Defense Agency; and two concerned individuals submitted comments.

Your Committees have amended this measure by deleting its substantive contents while stakeholders work out their differences.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2535, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2535, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committees on Energy &
Environmental Protection and
Water & Land,



RYAN I. YAMANE, Chair



CHRIS LEE, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 1276-16

Record of Votes of the Committee on Water & Land

| Bill/Resolution No.: SB 2035, SD2 | Committee Referral: EEP/WAL.FIN | Date: 3-23-2016 | | |
|---|---|---------------------------|----------|----------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| WAL Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. YAMANE, Ryan I. (C) | ✓ | | | |
| 2. CULLEN, Ty J.K. (VC) | ✓ | | | |
| 3. EVANS, Cindy | ✓ | | | |
| 4. ING, Kaniela | ✓ | | | |
| 5. LEE, Chris | ✓ | | | |
| 6. LOWEN, Nicole E. | | ✓ | | |
| 7. NISHIMOTO, Scott Y. | ✓ | | | |
| 8. SAY, Calvin K.Y. | | ✓ | | |
| 9. POUHA, Feki | | | | ✓ |
| 10. THIELEN, Cynthia | | ✓ | | |
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| TOTAL (10) | 6 | 3 | 0 | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |