

Honolulu, Hawaii

FEB 14 , 2024

RE: H.B. No. 2798
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 2798 entitled:

"A BILL FOR AN ACT RELATING TO ENERGY,"

begs leave to report as follows:

The purpose of this measure is to amend the types of power-generating facilities that trigger an environmental assessment to include new combustion electricity-generating facilities operating commercially after January 1, 2024, that were not previously operational and certain electricity-generating facilities that convert to a new source of energy requiring combustion.

Your Committee received testimony in support of this measure from the Energy Justice Network; Climate Protectors Hawai'i; Kokua na Aina; and two individuals. Your Committee received testimony in opposition to this measure from Hawaiian Electric and Hawaii Clean Power Alliance. Your Committee received comments on this measure from the Department of the Attorney General; Hawaii State Energy Office; and Public Utilities Commission.

Your Committee finds that Act 55, Session Laws of Hawaii 2004, amended the law regarding environmental review requirements to include power-generating facilities in the types of facilities that trigger an environmental assessment. Your Committee further finds that Act 155 limited the power-generating facilities that



trigger an assessment to those that generate electricity using fossil fuel. However, the combustion of any type of fuel, not just fossil fuel, creates air pollution that harms the environment and human health. Therefore, your Committee finds that addressing the environmental impacts of any combustion electricity-generating facilities, not just those that are fossil-fueled, will further protect the State's natural resources and public health.

Your Committee has amended this measure by:

- (1) Deleting language that would have defined as a power-generating facility the conversion of certain electricity-generated facilities from one source of energy to a new source requiring combustion;
- (2) Clarifying that the definition of "power-generating facility" includes the expansion of an existing combustion electricity-generating facility, where the incremental electrical output rating and the additional capacity being added each exceeds 5.0 megawatts;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2798, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2798, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,

Nicole E. Lowen

NICOLE E. LOWEN, Chair



HJR 387-24

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 2798
Committee Referral: EEP, CPC
Date: 2/1/24

The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	✓			
2. COCHRAN, Elle (VC)	✓			
3. GATES, Cedric Asuega	✓			
4. KAHALOA, Kirstin	✓			
5. PERRUSO, Amy A.	✓			
6. WOODSON, Justin H.				✓
7. WARD, Gene				✓
TOTAL (7)	5			2

The recommendation is: Adopted Not Adopted
If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: Elle Cochran

Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO