

STAND. COM. REP. NO.

1339

Honolulu, Hawaii

APR 07 2015

RE: H.B. No. 1273  
H.D. 2  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1273, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to authorize construction of hydroelectric facilities on agricultural lands; provided that the hydroelectric facilities:

- (1) Have a hydroelectric generating capacity of not more than five hundred kilowatts;
- (2) Comply with the state water code, chapter 174C, Hawaii Revised Statutes;
- (3) Are accessory to agricultural activities; and
- (4) Do not adversely impact or impede the use of agricultural land or the availability of surface or groundwater for use on parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawai'i Farm Bureau, Blue Planet Foundation, and one individual. Your Committee received



comments on this measure from the Department of Business, Economic Development, and Tourism and Land Use Commission.

Your Committee finds that energy costs can be a limiting factor that reduces the profitability of many of the State's farmers and ranchers, especially considering the high costs of energy in Hawaii as compared to the rest of the country. Your Committee finds that permitting hydropower facilities in state agricultural districts could support Hawaii's agricultural industry by providing clean energy at a fixed cost for on-site agricultural operations; provided that the hydropower facilities are accessory to agricultural activities.

Your Committee has amended this measure by:

- (1) Clarifying that construction of hydroelectric facilities on agricultural lands is permissible; provided that the hydroelectric facilities are accessory to agricultural activities on agricultural land for agricultural use only; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1273, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1273, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



ROSALYN H. BAKER, Chair



