

Honolulu, Hawaii  
March 4, 2016

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

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2077, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize 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;
- (2) Require the approval of the Commission on Water Resource Management if the hydroelectric generating capacity of a hydroelectric facility is over 500 kilowatts; and
- (3) Clarify that hydroelectric facilities shall not be required to be an accessory to agricultural land for agricultural use only.

The Department of Land and Natural Resources, Blue Planet Foundation, Ulupono Initiative, and Hawaii Farm Bureau Federation testified in support of this measure. The Department of Agriculture and Department of the Attorney General provided comments on this measure.



Your Committee has amended this measure by:

- (1) Specifying that the hydroelectric facility shall only wheel to non-contiguous sites that have bona fide agricultural activities;
- (2) Changing the effective date to July 1, 2112, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2077, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2077, H.D. 2.

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

  
\_\_\_\_\_  
ANGUS L.K. MCKELVEY, Chair



State of Hawaii  
House of Representatives  
The Twenty-eighth Legislature

HSCR941-16

**Record of Votes of the Committee on Consumer Protection & Commerce**

<b>Bill/Resolution No.:</b> HB 2077	<b>Committee Referral:</b> HDI EEP/WAL, CPC	<b>Date:</b> 3-2-16.
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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)

CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	/			
2. WOODSON, Justin H. (VC)	/			
3. BELATTI, Della Au	/			
4. BROWER, Tom	/			
5. CREAGAN, Richard P.	/			
6. HAR, Sharon E.	/			
7. HASHEM, Mark J.	/			
8. KAWAKAMI, Derek S.K.	/			
9. LEE, Chris	/			
10. NAKASHIMA, Mark M.				/
11. OSHIRO, Marcus R.	/			
12. SAN BUENAVENTURA, Joy A.	/			
13. TAKAYAMA, Gregg	/			
14. YAMANE, Ryan I.	/			
15. FUKUMOTO CHANG, Beth	/			
16. McDERMOTT, Bob	/			
<b>TOTAL (16)</b>	15	0	0	1

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

Vice Chair's or designee's signature: \_\_\_\_\_

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