Honolulu, Hawaii

APR 30 2009 , 2009

RE: S.B. No. 50

S.D. 1 H.D. 2

C.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 50, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to set terms and conditions for leases of public lands without public auction to renewable energy producers.

Specifically, this measure:

(1) Authorizes the Board of Land and Natural Resources, after at least one public hearing, to lease public lands to renewable energy producers who provide certain indicators of the project's viability; and

2009-2367 SCCR SMA.doc

(2) Grants the renewable energy producer a right of first refusal upon the renewal of its lease.

Your Committee finds that recent events have led to the need for increased community involvement in the issuance of long-term leases for renewable energy producers. This measure provides for an open process that allows for the fair evaluation of multiple energy producers interested in the same public lands for energy projects and ensures that current leases will not be terminated if the lessee is in full compliance. Your Committee believes that current lessees and energy producers can come together with the shared vision of an increased local food supply and locally-produced energy.

Your Committee has amended this measure by:

- (1) Creating a new section of chapter 171, Hawaii Revised Statutes, instead of amending section 171-95, Hawaii Revised Statutes;
- (2) Deleting the authorization of involuntary withdrawal of property from the lease of public lands if the withdrawal is less than twenty-five per cent of the production attributable to the leased land;
- (3) Increasing the number of public hearings required to lease public land to a renewable energy producer from one to two;
- (4) Requiring that any action taken by the Board of Land and Natural Resources upon a proposal subject to this measure shall take place on the island where the public land to be leased for the proposed renewable energy project is located; and
- (5) Changing the effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 50, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 50, S.D. 1, H.D. 2, C.D. 1.



Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

KEN ITO, Co-Chair

FRMINA MORITA CO-C

SHARON E. HAR, Co-Chair

ON THE PART OF THE SENATE

ille, Chair

MIKE GABBARD, Co-Chair

Hawaii State Legislature

CCR 74

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 50, SD 1, HD 2					Date/Time: 4/29/09 3	4/29/09 3:55 p.m.			
The recommendation of the House	and S	Senate	mana	igers	is to pass with amendments (CD).				
☐ The Committee is reconsidering its	prev	ious de	ecisio	n.					
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	Е	House Managers	A	WR	N	Е
HEE, Clayton, Chr.	V				ITO, Ken, Co-Chr.	1			
GABBARD, Mike, Co-Chr.	/				MORITA, Hermina M., Co-Chr.	1	/		
FUKUNAGA, Carol	1				HAR, Sharon E., Co-Chr.	1			
KOKUBUN, Russell S.	1	1.			NAKASHIMA, Mark M.	1	/		
HEMMINGS, Fred					THIELEN, Cynthia	1			
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Senate Recommendation is: Adopted Not Adopted					House Recommendation is: Adopted Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
Distribution: Original File with Conference Co.	mmitte	ee Repo	rt	Но	Yellow Pink ouse Clerk's Office Senate Clerk's Office	L	Gold Orafting	enrod Agen	