

VETO

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

S.B. NO. 50
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

VETO OVERRIDE

RELATING TO RENEWABLE ENERGY PRODUCERS.

ACT No. 19
Approved: [Signature]
Dated: July 15, 2009

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§171- Renewable energy producers; lease of public lands
5 without public auction. (a) The board may lease or renew a
6 lease of public lands to renewable energy producers, as defined
7 in section 171-95, without public auction only pursuant to a
8 public process that includes public notice under section 1-28.5
9 providing other interested renewable energy producers
10 opportunity to participate in the process; provided that nothing
11 in this section shall be construed to prevent the board from
12 conducting direct negotiations; provided further that the
13 renewable energy producer shall be required to submit as part of
14 the proposal for the board's evaluation, as assisted by the
15 department of business, economic development, and tourism, the
16 following:
17 (1) A timeline for completion of the project;



NEVO

S.B. NO.

50
S.D. 1
H.D. 2
C.D. 1

- 1 (2) A description of a financial plan for project
- 2 financing;
- 3 (3) A description of the conceptual design of the project;
- 4 (4) A description of the business concept for the project;
- 5 and
- 6 (5) A description of landscape and acreage requirements
- 7 including public and private lands.

8 Upon completion of the board's evaluation and determination
 9 to award or not award a lease to a renewable energy producer,
 10 the board shall prepare a report outlining the reasons for the
 11 decision.

12 (b) A lease to a renewable energy producer under this
 13 section shall not result in the involuntary termination of a
 14 lease of public land held by an existing lessee who is currently
 15 in compliance with the terms of the lease.

16 (c) To inform the public prior to the lease of public land
 17 or the renewal of a lease of public land for a proposed
 18 renewable energy project under this section, the department of
 19 land and natural resources shall conduct not less than two
 20 public hearings on the island where the public land to be leased
 21 for the proposed renewable energy project is located; provided
 22 that the notice of the hearing shall be published as provided in



1 section 1-28.5. The board shall prepare and distribute an
2 outline of the proposals for the renewable energy project and
3 receive testimony from interested parties and the general public
4 at each public hearing.

5 (d) Any action taken by the board upon a proposal subject
6 to this section shall take place on the island where the public
7 land to be leased for the proposed renewable energy project is
8 located.

9 (e) For any lease issued pursuant to this section, the
10 renewable energy producer shall have the right of first refusal
11 upon renewal of the lease."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

