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# A BILL FOR AN ACT

RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.

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

1           SECTION 1. The purpose of this Act is to change the title  
2 of the executive director of the natural energy laboratory of  
3 Hawaii authority to chief executive officer.

4           SECTION 2. Section 227D-2, Hawaii Revised Statutes, is  
5 amended by amending subsection (d) to read as follows:

6           "(d) The board shall appoint [~~an executive director,~~] a  
7 chief executive officer, who shall serve at the pleasure of the  
8 board and shall be exempt from chapter 76. The board shall set  
9 the salary and duties of the [~~executive director.~~] chief  
10 executive officer."

11           SECTION 3. Section 227D-3, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§227D-3 Powers of the authority.** The authority may:

14           (1) Sue and be sued;

15           (2) Have a seal and alter the same at its pleasure;

16           (3) Promote the use of the geothermal energy and natural  
17 resources sites for the purposes provided by law;



- 1           (4) Through its [~~executive director~~] chief executive  
2           officer, appoint officers, agents and employees  
3           without regard to chapter 76 and [~~to~~] establish the  
4           salaries therefor;
- 5           (5) Adopt rules under chapter 91 necessary to effectuate  
6           this chapter in connection with its operation,  
7           facilities, parks, properties, and projects;
- 8           (6) Make, execute, enter into, amend, supplement, and  
9           carry out contracts and all other instruments  
10          necessary or convenient for the exercise of its powers  
11          and functions under this chapter with any private  
12          person, firm, partnership, association, company, or  
13          corporation only as it may be necessary in the conduct  
14          of its business and on such terms as it may deem  
15          appropriate; provided that the authority shall not  
16          obligate any funds of the State except as have been  
17          appropriated to it. Notwithstanding the foregoing,  
18          the authority may enter into and perform such  
19          contracts, leases, cooperative agreements, or other  
20          transactions with any agency or instrumentality of the  
21          United States, a foreign nation, a state, a territory,



- 1 or a possession, or with any political subdivision  
2 thereof;
- 3 (7) Accept, hold, or expend gifts or grants in any form  
4 from any public agency or private source, or from any  
5 other source;
- 6 (8) Impose and collect fees pertaining to the use of  
7 properties and facilities of the authority;
- 8 (9) Formulate budgets to provide for the operation of the  
9 facilities of the authority;
- 10 (10) Submit an annual report to the governor and the  
11 legislature at least twenty days prior to the  
12 convening of each regular session;
- 13 (11) Acquire, own, lease, hold, clear, improve, and  
14 rehabilitate real, personal, or mixed property and  
15 assign, exchange, transfer, convey, lease, sublease,  
16 or encumber any project including by way of easements;
- 17 (12) Construct, reconstruct, rehabilitate, improve, alter,  
18 or repair, or provide for the construction,  
19 reconstruction, rehabilitation, improvement,  
20 alteration, or repair of any project and designate a  
21 qualified person as its agent for this purpose, and



- 1 own, hold, assign, transfer, convey, exchange, lease,  
2 sublease, or encumber any project;
- 3 (13) Arrange or initiate appropriate action for the  
4 planning, replanning, opening, grading, or closing of  
5 streets, roads, roadways, alleys, easements, or other  
6 places, the furnishings or improvements, the  
7 acquisition of property or property rights, or the  
8 furnishing of property or services in connection with  
9 a research and technology park;
- 10 (14) Prepare or cause to be prepared plans, specifications,  
11 designs, and estimates of cost for the construction,  
12 reconstruction, rehabilitation, improvement,  
13 alteration, or repair of any project or research and  
14 technology park, and from time to time, modify these  
15 plans, specifications, designs, or estimates;
- 16 (15) Engage the services of consultants on a contractual  
17 basis for rendering professional and technical  
18 assistance and advice;
- 19 (16) Procure insurance against any loss in connection with  
20 its properties and other assets and operations in  
21 amounts and from insurers as it deems desirable;



- 1           (17) Issue bonds pursuant to this chapter in principal  
2                   amounts as may be authorized from time to time by law  
3                   to finance the cost of a project, including the repair  
4                   or addition to its parks and facilities as authorized  
5                   by law and to provide for the security thereof as  
6                   permitted by this chapter;
- 7           (18) Lend or otherwise apply the proceeds of the bonds  
8                   issued for a project or a research and technology  
9                   park, either directly or through a trustee or a  
10                  qualified person, for use and application in the  
11                  acquisition, construction, installation, or  
12                  modification of a project or research and technology  
13                  park, or agree with the qualified person whereby any  
14                  of these activities shall be undertaken or supervised  
15                  by that qualified person or by a person designated by  
16                  the qualified person;
- 17           (19) ~~With or without terminating a project agreement,~~  
18                   exercise any and all rights provided by law for entry  
19                   and re-entry upon or to take possession of a project  
20                   at any time or from time to time upon breach or  
21                   default by a qualified person under a project  
22                   agreement;



- 1           (20) Create an environment that supports appropriate  
2           natural resource utilization and results in economic  
3           development, including: supporting research projects  
4           and facilitating the transition from research and  
5           development to pilot scale and then to full commercial  
6           operation of companies utilizing the natural resources  
7           available at the research and technology parks;  
8           developing educational and conservation programs;  
9           supporting commercialization of the natural resources  
10          available at the research and technology parks, if the  
11          commercialization is compatible with the research,  
12          development, and other retail, commercial, and tourism  
13          activities of the research and technology parks;  
14          identifying issues and impediments to the development  
15          of natural resource utilization; and providing policy  
16          analysis and information important to the development  
17          of natural resource utilization in Hawaii;
- 18          (21) Develop programs that support projects and companies  
19          ~~[which locate]~~ that are located at the research and  
20          technology parks;



1 (22) Attract appropriate new uses of the natural resources  
2 in Hawaii, including retail, commercial, and tourism  
3 activities; and

4 (23) Do any or all other acts reasonably necessary to carry  
5 out the purposes of the authority."

6 SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:

Cindy Evans

JAN 19 2006



**Report Title:**

National Energy Laboratory of Hawaii; Chief Executive Officer

**Description:**

Changes the title of the executive director of the Natural Energy Laboratory of Hawaii authority to chief executive officer.

