

JAN 19 2007

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 park
9 either directly or through a trustee or a qualified
10 person for use and application in the acquisition,
11 construction, installation, or modification of a
12 project or research and technology park, or agree with
13 the qualified person whereby any of these activities
14 shall be undertaken or supervised by that qualified
15 person or by a person designated by the qualified
16 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[7] if
11 the 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~~ that locate at the research and technology
20 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 James A. George
S.S.T.

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Mr. [unclear]



Report Title:

Natural Energy Laboratory of Hawaii Authority

Description:

Changes the title of the natural energy laboratory of Hawaii authority's executive director to "chief executive officer."

