
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. Section 227D-2, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) There is established the natural energy laboratory of
4 Hawaii authority, which shall be a body corporate and politic
5 and an instrumentality and agency of the State. The authority
6 shall be placed within the department of business, economic
7 development, and tourism for administrative purposes, pursuant
8 to section 26-35. The purpose of the natural energy laboratory
9 of Hawaii authority shall be to facilitate research,
10 development, and commercialization of natural energy resources
11 and ocean-related research, technology, and industry in Hawaii
12 and to engage in retail, commercial, or tourism activities that
13 will financially support that research, development, and
14 commercialization at a research and technology park in Hawaii.
15 Its duties shall include:
16 (1) Establishing, managing, and operating facilities that
17 provide sites for:

- 1 (A) Research and development;
- 2 (B) Commercial projects and businesses utilizing
- 3 natural resources, such as ocean water or
- 4 geothermal energy;
- 5 (C) Compatible businesses engaged in scientific and
- 6 technological investigations, or retail,
- 7 commercial, and tourism activities; and
- 8 (D) Businesses or educational facilities that support
- 9 the primary projects and activities;
- 10 (2) Providing support, utilities, and other services to
- 11 facility tenants and government agencies;
- 12 (3) Maintaining the physical structure of the facilities;
- 13 (4) Promoting and marketing these facilities;
- 14 (5) Promoting and marketing the reasonable utilization of
- 15 available natural resources;
- 16 (6) Supporting ocean research and technology development
- 17 projects that support national and state interests,
- 18 use facilities and infrastructure in Hawaii, and
- 19 foster potential commercial development; and
- 20 (7) Engaging in retail, commercial, and tourism activities
- 21 that are not related to facilitating research,
- 22 development, and commercialization of natural energy

1 resources in Hawaii; provided that all income derived
2 from these activities shall be deposited in the
3 natural energy laboratory of Hawaii authority special
4 fund.

5 (b) The governing body of the authority shall consist of a
6 board of directors having [~~eleven~~] thirteen voting members.
7 Three members from the general public shall be appointed by the
8 governor for staggered terms pursuant to section 26-34, except
9 that one of these members shall be a resident of the county of
10 Hawaii. The members shall be selected on the basis of their
11 knowledge, interest, and proven expertise in, but not limited
12 to, one or more of the following fields: finance, commerce and
13 trade, corporate management, marketing, economics, engineering,
14 energy management, real estate development, property management,
15 aquaculture, and ocean science. The chairperson and secretary
16 of the research advisory committee shall serve on the board.
17 The director of business, economic development, and tourism, the
18 chairperson of the board of land and natural resources, the
19 president of the University of Hawaii, the mayor of the county
20 of Hawaii, an appointed member from the board of the high
21 technology development corporation, and an appointed member from
22 the board of the Hawaii strategic development corporation, or

1 their designated representatives, shall serve as ex officio,
2 voting members of the board. The tenants of the natural energy
3 laboratory of Hawaii authority shall elect two members to the
4 board from among the tenants of the authority, of which one
5 member shall serve a two-year term, and one member shall serve a
6 four-year term. In electing the tenant members, each tenant
7 shall be entitled to cast one vote for each member position.
8 The tenant members shall be recused from voting on setting lease
9 rents, water rates, or utility rates, but may participate in
10 discussions. The director of business, economic development,
11 and tourism shall serve as the chairperson until such time as a
12 chairperson is elected by the board from the membership. The
13 board shall elect other officers as it deems necessary."

14 SECTION 2. The inaugural election for the two tenant
15 representative positions on the board of directors of the
16 natural energy laboratory of Hawaii authority shall be completed
17 by October 1, 2009.

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2009.

Report Title:

Natural Energy Laboratory of Hawaii Authority; Board of
Directors

Description:

Increases the number of directors for NELHA to 13, adding 2
tenant representative directors. (SD2)