

JAN 28 2009

A BILL FOR AN ACT

RELATING TO FOSSIL FUELS.

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

1 SECTION 1. The legislature finds that fossil fuel use is
2 not part of Hawaii's clean, independent, and sustainable energy
3 future. All fossil fuel used in Hawaii is imported from
4 thousands of miles away by ship. The burning of fossil fuel
5 degrades the air quality and the State's image as the "Health
6 State" and a clean destination.

7 The legislature further finds that carbon dioxide from
8 fossil fuel consumption is implicated in global climate change
9 and may have profound consequences on the State's environment
10 and quality of life. Current scientific consensus predicts a
11 very different future from what we are accustomed to, if heat-
12 trapping greenhouse gas emissions continue unabated. The
13 Pacific ocean may inundate most of Waikiki, the business
14 district in Honolulu, and coastal resort areas on other islands.
15 Saltwater intrusion may contaminate island aquifers and more
16 frequent storms and hurricanes may strike the islands.
17 Prolonged droughts and subtle shifts in island microclimates may



1 rapidly increase the extinction of endangered plants and
2 animals. The State can play a pivotal role in utilizing
3 technologies that reduce humankind's contribution to global
4 climate change by transitioning away from fossil fuel sources to
5 generate electricity and demonstrating technologies that reduce
6 negative effects on global climate change.

7 The legislature further finds that the State's dependency
8 on foreign fossil fuel results in the annual outflow of billions
9 of dollars from the state economy. In 2005, the State imported
10 over 51,000,000 barrels of petroleum and 805,000 short tons of
11 coal. In the summer of 2008, the price per barrel of oil
12 exceeded \$140. As a result, billions of dollars are directly
13 exported from the State each year. Efforts to dramatically
14 reduce fossil fuel consumed in the State will benefit both the
15 economy and the environment.

16 The purpose of this Act is to align the State's energy
17 policy with the State's preferred clean energy future by
18 prohibiting new or expanded fossil fuel power plants.

19 SECTION 2. Chapter 342B, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§342B- Fossil fuel electricity generating facilities.

2 (a) Effective July 1, 2009, no new electricity generating
3 covered source with a rated capacity of more than two megawatts
4 shall be permitted to allow the generation of electricity from
5 fossil fuel sources.

6 (b) Effective July 1, 2009, no electricity generating
7 covered source with a rated capacity of more than two megawatts
8 and existing on July 1, 2009, shall be modified in any manner
9 that allows it to use more fossil fuel as a source of
10 electricity generation than allowed under its permit as of
11 July 1, 2009."

12 SECTION 3. Section 269-92, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The public utilities commission may establish
15 standards for each utility that prescribe what portion of the
16 renewable portfolio standards shall be met by specific types of
17 renewable electrical energy resources; provided that:

18 (1) At least fifty per cent of the renewable portfolio
19 standards shall be met by electrical energy generated
20 using renewable energy as the source;

21 (2) Where electrical energy is generated or displaced by a
22 combination of renewable and nonrenewable means, the



1 proportion attributable to the renewable means shall
2 be credited as renewable energy; [and]

3 (3) Where fossil and renewable fuels are co-fired in the
4 same generating unit, the unit shall be considered to
5 generate renewable electrical energy (electricity) in
6 direct proportion to the percentage of the total heat
7 value represented by the heat value of the renewable
8 fuels [-]; and

9 (4) Effective July 1, 2009, the public utilities
10 commission shall not approve any application to build
11 a new generation facility with a rated capacity
12 greater than two megawatts that uses fossil fuel as
13 the source of electricity generation."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2009.

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Report Title:

Fossil Fuel; Electric Generation; Air Pollution; Renewable

Description:

Prohibits the approval of any new electricity generating facilities using fossil fuel and the modification of existing electricity generating facilities to allow the use of more fossil fuel.

