
A BILL FOR AN ACT

RELATING TO FOSSIL FUELS.

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

1 SECTION 1. Chapter 269, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§269- Fossil-fueled, electricity-generating facility;
5 restrictions. (a) Beginning on July 1, 2010, no state or
6 county agency shall permit:

7 (1) The construction of a new electricity-generating
8 facility that generates electricity from fossil fuel,
9 where the electrical output rating of the new
10 equipment exceeds 2.0 megawatts; or

11 (2) An expansion in generating capacity of an existing,
12 electricity-generating facility that generates
13 electricity from fossil fuel, where the incremental
14 electrical output rating of the new equipment exceeds
15 2.0 megawatts,



1 unless the applicant is an electric utility company and the
2 utility demonstrates present compliance with, and a reasonable
3 projection for future compliance with, part V of this chapter.

4 (b) No electric utility company shall enter into an
5 agreement for the purchase of electricity from an electricity-
6 generating facility that generates electricity from fossil fuel
7 built after December 31, 2010, unless the utility demonstrates
8 present compliance with, and a reasonable projection for future
9 compliance with, part V of this chapter.

10 (c) Nothing in this section shall prevent an electricity-
11 generating facility from retrofitting or replacing its existing
12 electricity-generating units to improve operational efficiency
13 or to lower greenhouse gas emissions.

14 (d) If the governor determines that an imminent peril to
15 the public health and safety is or will be caused if an
16 electricity-generating facility is not constructed or expanded,
17 the governor, without a public hearing, may declare this section
18 inapplicable to any person and may take any and all other
19 actions as may be necessary. The declaration shall fix a place
20 and time, not later than sixty days thereafter, for a hearing to
21 be held before the public utilities commission so that the
22 public utilities commission may exercise its responsibilities



1 under this chapter relating to the construction or expansion of
2 an electricity-generating facility. Nothing in this section
3 shall be construed to limit any power that the governor or any
4 other officer may have to declare an emergency and act on the
5 basis of a declaration, if the power is conferred by statute or
6 constitutional provision, or inheres in the office."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2010.

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Report Title:

Fossil-Fueled, Electricity-Generating Facility; Restriction

Description:

Restricts any new construction of or expansion of existing fossil-fueled, electricity-generating facilities unless the electric utility company can demonstrate compliance with the renewable energy portfolio standards; exempts any retrofit or replacement for the purposes of improved efficiency or to lower greenhouse gas emissions; authorizes the governor to exempt facilities if an emergency is declared. (SD1)

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