
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- Renewable energy production; lease by
5 negotiation; equity participation. (a) Anything to the
6 contrary contained in this chapter notwithstanding, the board
7 may lease public lands to a lessee for use in projects involving
8 the generation of renewable energy:

9 (1) Through negotiations; and

10 (2) For a lease rent that may include all or a portion of
11 the lease rent being in the form of an equity
12 participation in the lessee.

13 (b) Any lease entered into pursuant to this section shall
14 be subject to sections 171-36 and 171-53, provided that for
15 purposes of section 171-36(b) and (d), any lease entered into
16 pursuant to this section shall be deemed an industrial lease.

17 (c) For purposes of this section:



H.B. NO. 211

1 "Equity participation" means the acceptance of common or
2 preferred stock, royalty rights, limited partnership interests,
3 limited liability company interests, and any other securities or
4 rights that evidence ownership in a private business entity
5 based on all or a portion of the capitalized fair market lease
6 rental that the State would receive for the lease term.

7 "Renewable energy" shall have the same meaning as section
8 269-91."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Cindy Evans

JAN 22 2009



Report Title:

Public Land Leases; Renewable Energy

Description:

Allows DLNR to enter into leases of public lands for renewable energy projects and receive as all or partial consideration an equity participation in the renewable energy entity.

