



GOV. MSG. NO. 1192

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 8, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 8, 2011, the following bill was signed into law:

HB1286 HD2 SD1 CD1

RELATING TO THE ISSUANCE OF SPECIAL
PURPOSE REVENUE BONDS TO ASSIST
BIOENERGY HAWAII, LLC.

Act 089 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

JUN 8 2011

on HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 1286
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC.

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

1 SECTION 1. The legislature finds that it is in the public
2 interest to encourage the development of cogeneration facilities
3 that make energy available to members of the general public by
4 the sale of electric energy or biofuels, or both, to an electric
5 utility or refinery, or both, serving the area.

6 The legislature also finds that the benefits of the
7 development of cogeneration facilities include:

- 8 (1) Reduced greenhouse gas emissions;
- 9 (2) Reduced landfill waste streams;
- 10 (3) Reduced transportation and disposal costs;
- 11 (4) Creation of local technical and semi-technical jobs;
- 12 (5) Renewable energy for local communities through
13 distributed generations; and
- 14 (6) Reduced dependence on imported fossil fuels for local
15 transportation and energy needs.

16 The legislature also finds that BioEnergy Hawaii, LLC, is
17 engaged in the development of a cogeneration facility project



1 that will sell energy in the form of electricity or biofuels, or
2 both, that it produces to electric utilities or refineries, or
3 both, serving the public by processing non-fossil fuel
4 feedstock.

5 The legislature further finds that BioEnergy Hawaii, LLC,
6 may be assisted through the issuance of special purpose revenue
7 bonds because it is an industrial enterprise pursuant to part V
8 of chapter 39A, Hawaii Revised Statutes, relating to the
9 financing of an industrial enterprise.

10 The legislature finds and declares that the issuance of
11 special purpose revenue bonds under this Act is in the public
12 interest and for the public health, safety, and general welfare.

13 SECTION 2. Pursuant to part V, chapter 39A, Hawaii Revised
14 Statutes, the department of budget and finance, with the
15 approval of the governor, is authorized to issue special purpose
16 revenue bonds in a total amount not to exceed \$100,000,000, in
17 one or more series, for the purpose of assisting BioEnergy
18 Hawaii, LLC, a Hawaii limited liability company, or a
19 partnership in which BioEnergy Hawaii, LLC, is a general
20 partner, for the establishment of a cogeneration facility and
21 related energy production facilities. The electrical output or
22 biofuels energy, or both, of this plant and facilities shall be



1 made available for use by members of the general public by sale
2 to electric utilities or refineries, or both, serving the
3 public. Thermal fluid output of this plant and related energy
4 production facilities shall be made available to existing and
5 planned manufacturing processing entrepreneurs in the area. The
6 legislature hereby finds and determines that the activities and
7 facilities of BioEnergy Hawaii, LLC, constitute a project as
8 defined in part V, chapter 39A, Hawaii Revised Statutes, and the
9 financing thereof is assistance to an industrial enterprise.

10 SECTION 3. The special purpose revenue bonds and the
11 refunding special purpose revenue bonds issued under this Act
12 shall be issued pursuant to part V, chapter 39A, Hawaii Revised
13 Statutes, relating to the power to issue special purpose revenue
14 bonds to assist industrial enterprises.

15 SECTION 4. The department of budget and finance is
16 authorized, from time to time, including times subsequent to
17 June 30, 2016, to issue special purpose revenue bonds in
18 whatever principal amounts the department shall determine to be
19 necessary to refund the special purpose revenue bonds authorized
20 in section 2 and to refund special purpose revenue bonds
21 authorized in this section regardless of whether the outstanding
22 special purpose revenue bonds or refunding special purpose



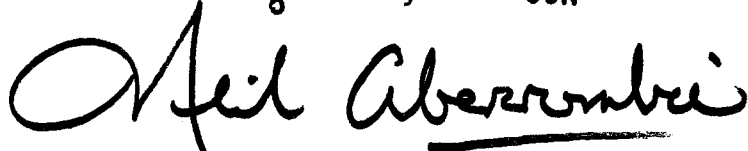
1 revenue bonds have matured or are the subject of redemption or
2 whether the refunding special purpose revenue bonds shall be
3 bonds for the multi-project programs described in section 2. In
4 making this determination, the department shall comply with
5 federal law relating to the exemption from federal income
6 taxation of the interest on bonds of the nature authorized by
7 this section.

8 SECTION 5. The authorization to issue special purpose
9 revenue bonds under this Act shall lapse on June 30, 2016.

10 SECTION 6. Act 110, Session Laws of Hawaii 2009, is
11 repealed.

12 SECTION 7. This Act shall take effect on July 1, 2011.

APPROVED this 8 day of JUN, 2011



GOVERNOR OF THE STATE OF HAWAII

