
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. The legislature finds that many of Hawaii's
2 most desirable renewable energy resources, such as wind, may be
3 found on one island, while the majority of Hawaii's population
4 and load center are located on another island. While the
5 legislature acknowledges the benefits of a statewide systems
6 approach to transitioning to a clean energy future, this
7 transition may occur in a manner that harvests renewable energy
8 from one island for the benefit of residents of another island.
9 Therefore, serious consideration must be given to the social,
10 economic, and environmental justice issues that may impact the
11 community on the island hosting the renewable energy facility.

12 The legislature also finds that while public hearings
13 related to the permitting process seek to receive and respond to
14 community input, real and substantive negotiations can rarely
15 occur in a public setting. Therefore, to create a viable
16 vehicle to ensure that an affected community shares in the
17 benefits of a substantial project, community benefits agreements
18 may be used, in addition to the typical conditions in the



1 permitting process, to outline specific legally enforceable
2 commitments in exchange for the permitting of development
3 projects.

4 SECTION 2. Chapter 201N, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§201N- Failure to comply; penalty; enforcement. (a)

8 Where a community benefits agreement is negotiated pursuant to
9 section 201N-3, the energy resources coordinator shall monitor
10 the parties to the agreement to ensure compliance.

11 Additionally, any party to a community benefits agreement may
12 bring a complaint to notify the energy resources coordinator of
13 a party's noncompliance.

14 (b) If at any point the energy resources coordinator
15 determines that a party to a community benefits agreement is not
16 in compliance with the agreement, the energy resources
17 coordinator may enforce the requirements of this chapter and
18 fine the party for noncompliance.

19 (c) The energy resources coordinator shall establish fines
20 and penalties for noncompliance with this chapter under rules
21 adopted pursuant to chapter 91."



1 SECTION 3. Section 201N-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§201N-3[+] General duties of the coordinator. (a)

4 The coordinator shall:

5 (1) Consult with appropriate state and county agencies to
6 develop and establish a permit plan application format
7 and procedure designed to ensure a timely review to
8 obtain required permits and approvals for renewable
9 energy facilities;

10 (2) Receive a permit plan application, in a form as the
11 coordinator shall prescribe, from an applicant for the
12 approval of the siting, development, construction, and
13 operation of a renewable energy facility, with an
14 appropriate initial application fee as determined by
15 the coordinator;

16 (3) Identify all state and county permits necessary for
17 approval of the renewable energy facility;

18 (4) Assist in the permit plan application process by
19 coordinating permitting processes, giving technical
20 assistance, overseeing the creation of the permit
21 plan, and providing general oversight to facilitate



1 the timely review and permitting of the siting of a
2 renewable energy facility;

3 (5) Gather from the applicant any information the
4 coordinator finds relevant and necessary for the
5 reviewing and processing of a permit application by
6 the federal, state, and county agencies;

7 (6) Coordinate public meetings on the island where
8 development of a renewable energy facility is being
9 proposed to:

10 (A) Allow members of the affected communities to
11 provide input regarding the development of the
12 renewable energy facility;

13 (B) Promote public awareness of the plan for the
14 renewable energy facility in the proposed area;
15 and

16 (C) Allow the coordinator, the applicant, and any
17 applicable agency to gain public sentiment and
18 input regarding the proposed development of the
19 renewable energy facility, and incorporate the
20 public sentiment and input into the planning of
21 the proposed renewable energy facility; and



1 (7) Work with [~~the~~] federal, state, and county agencies
2 [and]; the applicant; and representatives from the
3 island where development of a renewable energy
4 facility is being proposed to determine the terms and
5 conditions of the permit plan and permits that are
6 necessary to effectuate this chapter and to protect
7 the public health and safety and promote the general
8 welfare.

9 (b) The coordinator may facilitate discussions between an
10 applicant seeking to develop a renewable energy facility and
11 stakeholder groups from the island where development of the
12 facility is being proposed, for the purpose of negotiating a
13 community benefits agreement if the proposed renewable energy
14 facility is to export a majority of the electricity that it
15 generates.

16 (c) For the purposes of this section, "community benefits
17 agreement" is a negotiated, enforceable contract between an
18 applicant and community stakeholder groups that ensures benefits
19 to the island where development of a renewable energy facility
20 is being proposed before the finalization of the permitting
21 process of the proposed facility."



H.B. NO. 981

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY: *Normina Nozola*

JAN 24 2011



Report Title:

Renewable Energy Facilities; Community Benefits Agreements

Description:

Requires the energy resources coordinator to convene a meeting between the applicant for a proposed renewable energy facility and community stakeholder groups to negotiate a community benefits agreement. Provides for penalties and enforcement of a community benefits agreement.

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