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# 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, 2011, 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 fossil fuel generating capacity of an  
12 existing, electricity-generating facility that  
13 generates electricity from fossil fuel, where the  
14 incremental electrical output rating of the new  
15 equipment exceeds 2.0 megawatts,

16 unless the applicant is an electric utility company that  
17 demonstrates present compliance with, and a reasonable  
18 projection for future compliance with, part V of this chapter.



1           (b) No electric utility company shall enter into an  
2 agreement for the purchase of electricity from an electricity-  
3 generating facility built after December 31, 2011, that  
4 generates electricity from fossil fuel, unless the electric  
5 utility demonstrates present compliance with, and a reasonable  
6 projection for future compliance with, part V of this chapter.

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

11           (d) If the governor determines that application of  
12 subsections (a) and (b) to an electric utility is causing or  
13 will cause imminent peril to the public health and safety, the  
14 governor, without a public hearing, may declare subsections (a)  
15 and (b) to be inapplicable and may take any and all other  
16 actions necessary to address the imminent peril; provided that  
17 the declaration shall set a place and time, not later than sixty  
18 days after the declaration was made, for the public utilities  
19 commission, pursuant to the powers and duties conferred on it by  
20 this chapter, to hold a hearing on the electric utility's  
21 proposal to construct or expand an electricity-generating  
22 facility. Nothing in this section shall be construed to limit



1 any power of the governor or any other officer to declare an  
2 emergency and act on the basis of that declaration, if the power  
3 inheres to the governor or officer's office or is statutorily or  
4 constitutionally conferred on the governor or officer."

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

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2011.

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**Report Title:**

Fossil-Fueled, Electricity-Generating Facility; Restriction

**Description:**

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

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