

JAN 25 2012

A BILL FOR AN ACT

RELATING TO PUBLIC LAND LEASEHOLDERS RIGHTS.

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

1 SECTION 1. Section 171-95.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~+~~§171-95.3~~+~~ **Renewable energy producers; lease of**
4 **public lands without public auction.** (a) The board may lease
5 or renew a lease of public lands to renewable energy producers,
6 as defined in section 171-95, without public auction only
7 pursuant to a public process that includes public notice under
8 section 1-28.5 providing other interested renewable energy
9 producers opportunity to participate in the process; provided
10 that nothing in this section shall be construed to prevent the
11 board from conducting direct negotiations; provided further that
12 the renewable energy producer shall be required to submit as
13 part of the proposal for the board's evaluation, as assisted by
14 the department of business, economic development, and tourism,
15 the following:

- 16 (1) A timeline for completion of the project;
- 17 (2) A description of a financial plan for project
18 financing;



- 1 (3) A description of the conceptual design of the project;
- 2 (4) A description of the business concept for the project;
- 3 and
- 4 (5) A description of landscape and acreage requirements
- 5 including public and private lands.

6 (b) As part of the board's evaluation, the terms and
7 conditions of section 171-33 shall apply. If the public land is
8 held by an existing lessee who is currently in compliance with
9 the terms of the lease, the board shall seek input from that
10 lessee regarding the renewable energy producer's proposal. Upon
11 completion of the board's evaluation and determination to award
12 or not award a lease to a renewable energy producer, the board
13 shall prepare a report outlining the reasons for the decision.

14 ~~[(b)]~~ (c) A lease to a renewable energy producer under
15 this section shall not result in the involuntary termination of
16 a lease of public land held by an existing lessee who is
17 currently in compliance with the terms of the lease~~[-]~~; provided
18 that the board shall seek input from the existing lessee as part
19 of its evaluation and determination to award or not award a
20 lease to a renewable energy producer.

21 ~~[(e)]~~ (d) To inform the public prior to the lease of
22 public land or the renewal of a lease of public land for a



1 proposed renewable energy project under this section, the
 2 department of land and natural resources shall conduct not less
 3 than two public hearings on the island where the public land to
 4 be leased for the proposed renewable energy project is located;
 5 provided that the notice of the hearing shall be published as
 6 provided in section 1-28.5. The board shall prepare and
 7 distribute an outline of the proposals for the renewable energy
 8 project and receive testimony from interested parties and the
 9 general public at each public hearing.

10 ~~(d)~~ (e) Any action taken by the board upon a proposal
 11 subject to this section shall take place on the island where the
 12 public land to be leased for the proposed renewable energy
 13 project is located.

14 ~~(e)~~ (f) For any lease issued pursuant to this section,
 15 the renewable energy producer shall have the right of first
 16 refusal upon renewal of the lease."

17 SECTION 2. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

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

20

INTRODUCED BY: 



S.B. NO. 2670

Report Title:

Public Lands; Leases; Renewable Energy Producers

Description:

Requires the board of land and natural resources to seek input from existing lessees as part of its evaluation to determine whether to award a lease to a renewable energy producer.

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