

JAN 23 2020

A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY PROJECTS.

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 protect and preserve Hawaii's historic and cultural
3 heritage. Hawaii's heritage is largely shaped by small rural
4 communities throughout all the islands.

5 The legislature further finds that the Na Pua Makani wind
6 energy project threatens the health and well-being of the
7 residents of Kahuku on the island of Oahu, it is improperly
8 sited, and it has become a divisive project that could harm the
9 implementation of future renewable energy projects the State is
10 relying on to meet the clean energy initiative.

11 The legislature therefore declares that it is in the public
12 interest to terminate the Na Pua Makani project by negotiating a
13 mutually acceptable agreement with Na Pua Makani, to be
14 determined by the governor.

15 The purpose of this Act is to:

16 (1) Authorize the governor, or the governor's designee, to
17 terminate the Na Pua Makani wind energy project; and



1 (2) Appropriate funds for the termination of the Na Pua
2 Makani wind energy project.

3 SECTION 2. The governor, or the governor's designee, shall
4 immediately initiate negotiations with Na Pua Makani, any other
5 entity or person that holds an interest in the project, and
6 their successors in interest, to terminate the Na Pua Makani
7 wind energy project in Kahuku. Financing to complete the
8 purpose of this act may be by one or more of the following
9 means:

10 (1) Appropriations made by the legislature from the
11 general fund or any special funds;

12 (2) General obligation bonds authorized by the
13 legislature;

14 (3) Federal funds;

15 (4) Private funds, financing, or donations; or

16 (5) Any other means of financing the governor or the
17 governor's designee may negotiate.

18 SECTION 3. The public utilities commission shall notify Na
19 Pua Makani and Hawaiian Electric Company, Inc. that full
20 curtailment of energy production by this project shall remain in



1 effect until the conclusion of negotiations to terminate the
2 project.

3 SECTION 4. If an agreement to terminate this project is
4 not reached within a reasonable time, as determined by the
5 governor, or the governor's designee, the governor, or the
6 governor's designee, shall instruct the board of land and
7 natural resources to cancel the lease of state land to Na Pua
8 Makani, shall petition the public utilities commission to vacate
9 the power purchase agreement, shall notify Malaekahana Hui West,
10 LLC that Na Pua Makani will not be permitted to operate, and
11 shall inform all other relevant stakeholders.

12 SECTION 5. The governor, or the governor's designee, shall
13 submit a report to the legislature no later than twenty days
14 prior to the convening of the regular session of 2021 regarding
15 its efforts to terminate the aforementioned project and its
16 recommendations, if any.

17 SECTION 6. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$500,000 or so much
19 thereof as may be necessary for fiscal year 2020-2021 to be
20 deposited into the special land and development fund.



S.B. NO. 3051

1 The sum appropriated shall be expended by the department of
2 land and natural resources for the purposes of this Act.

3 SECTION 7. There is appropriated out of the special land
4 and development fund the sum of \$500,000 or so much thereof as
5 may be necessary for fiscal year 2020-2021 for the termination
6 of the Na Pua Makani wind energy project.

7 The sum appropriated shall be expended by the department of
8 land and natural resources for the purposes of this Act.

9 SECTION 8. This Act shall take effect upon its approval.

10

INTRODUCED BY:





S.B. NO. 3051

Report Title:

Wind Energy; Governor; DLNR; Terminate; Na Pua Makani;
Appropriation

Description:

Authorizes the governor, or the governor's designee, to terminate the Na Pua Makani wind energy project. Appropriates funds.

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