

A Bill for an Act Relating to the Authorization of Special Purpose Revenue Bonds for Energy Development.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This Act is recommended by the Governor for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and part V, chapter 39A, Hawaii Revised Statutes, the legislature has determined that the authorization provided by this Act is appropriate and necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. The legislature finds that it is in the public interest to encourage the development of nonfossil fuel projects that make electric energy available to members of the general public by its sale to an electric utility serving the public. The legislature further finds that the Wailuku River Hydroelectric Power Company, Inc., a Hawaii corporation, is engaged in the development of a hydroelectric power plant project that will sell the electric energy it produces to the Hawaii Electric Light Company, Inc., which is an electric utility serving the public.

A critical funding emergency exists and has placed a major and immediate financial burden upon this hydroelectric power project. The legislature has determined that the Wailuku River Hydroelectric Power Company, Inc. may be assisted through the issuance of special purpose revenue bonds because it is an industrial enterprise pursuant to part V, chapter 39A, Hawaii Revised Statutes. The legislature previously authorized under Act 222, Session Laws of Hawaii 1990, and Act 142, Session Laws of Hawaii 1991, the issuance of one or more series of special purpose revenue bonds in total amounts not to exceed \$18,000,000 and \$7,000,000, respectively, for the purpose of assisting the Wailuku River Hydroelectric Power Company, Inc., or a partnership in which the Wailuku River Hydroelectric Power Company, Inc. is a general partner, for the establishment of a hydroelectric power plant and related facilities.

The legislature finds and declares that the issuance of special purpose revenue bonds under this part is in the public interest and for the public health, safety and general welfare, and will greatly assist in improving the electrical power generation needed to meet the energy demands of the County of Hawaii.

SECTION 4. Pursuant to part V, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue in one or more series special purpose revenue bonds in a total amount not to exceed \$6,000,000, for the purpose of assisting the Wailuku River Hydroelectric Power Company, Inc., or a partnership in which Wailuku River Hydroelectric Power Company, Inc. is a general partner, for the establishment of a hydroelectric power plant and related facilities. The electrical output of this plant and facilities shall be made available for use by members of the general public by sale to the Hawaii Electric Light Company, Inc. The legislature finds and determines that the activity and facilities of the Wailuku River Hydroelectric Power Company, Inc. constitute a project as defined in part V, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to an industrial enterprise.

SECTION 5. The special purpose revenue bonds issued under this Act shall be issued pursuant to part V, chapter 39A, Hawaii Revised Statutes, relating to the authority to issue special purpose revenue bonds to assist industrial enterprises.

SECTION 6. The authorization to issue special purpose revenue bonds under this Act shall lapse on December 31, 1994.

SECTION 7. This Act shall take effect upon its approval.

(Approved April 26, 1993.)