

A Bill for an Act Relating to Renewable Energy.

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

SECTION 1. The legislature finds that it has established goals for the State to achieve a one hundred per cent renewable energy portfolio standard by 2045, reduce greenhouse gas emissions to at least fifty per cent below 2005 levels by 2030, and uphold the State's zero emissions clean economy target to sequester more atmospheric carbon and greenhouse gases than emitted within the State by no later than 2045.

The legislature further finds that section 171-95, Hawaii Revised Statutes, provides opportunities for the board of land and natural resources to assist in reaching the State's renewable energy goals by authorizing the board to lease, without public auction, certain public lands to public utilities and renewable energy producers. However, the legislature finds that the operative definition of "renewable energy producers" within that law should be broadened to allow more public lands to be leased for the generation of more types of renewable energy.

Accordingly, the purpose of this Act is to broaden the definition of "renewable energy producer" that is used to determine the board of land and natural resources' disposition of public lands to renewable energy producers.

SECTION 2. Section 171-95, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) For the purposes of this section, "renewable energy producer" means:

- (1) Any producer or developer of [electrical or thermal] renewable energy [produced by wind, solar energy, hydropower, geothermal resources, landfill gas, waste-to-energy, ocean thermal energy conversion, cold seawater, wave energy, biomass, including municipal solid waste, biofuels or fuels derived from organic sources, hydrogen fuels derived primarily from renewable energy, or fuel cells where the fuel is derived primarily from renewable sources that sell all of the net power produced from the demised premises to an electric utility company regulated under chapter 269 or that sells all of the thermal energy it produces to customers of district cooling systems; provided that up to twenty-five per cent of the power produced by a renewable energy producer and sold to the utility or to district cooling system customers may be derived from fossil fuels; or], as defined in section 269-91;
- (2) Any grower or producer of plant or animal materials used primarily for the production of biofuels or other fuels; provided that nothing herein is intended to prevent the waste product or byproduct of the plant or animal material grown or produced for the production of biofuel, biogas, hydrogen, or other fuels[, electrical energy, or thermal energy,] from being used for other useful purposes[;]; or
- (3) Any producer of renewable energy, as defined in section 269-91, that uses the renewable energy to provide district heating or cooling services;

provided that nothing in this definition shall be construed to allow wheeling of electricity over electric public utility lines or infrastructure that is not otherwise authorized by law or rule or order of the public utilities commission."

**SECTION 3.** Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

**SECTION 4.** This Act shall take effect on July 1, 2024.

(Approved June 20, 2024.)