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# A BILL FOR AN ACT

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RELATING TO RENEWABLE ENERGY PRODUCERS.

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

1       SECTION 1. Chapter 171, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

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

17       (1) A timeline for completion of the project;



1        (2) A description of a financial plan for project  
2        financing;

3        (3) A description of the conceptual design of the project;

4        (4) A description of the business concept for the project;  
5        and

6        (5) A description of landscape and acreage requirements  
7        including public and private lands.

8        Upon completion of the board's evaluation and determination  
9        to award or not award a lease to a renewable energy producer,  
10       the board shall prepare a report outlining the reasons for the  
11       decision.

12       (b) A lease to a renewable energy producer under this  
13       section shall not result in the involuntary termination of a  
14       lease of public land held by an existing lessee who is currently  
15       in compliance with the terms of the lease.

16       (c) To inform the public prior to the lease of public land  
17       or the renewal of a lease of public land for a proposed  
18       renewable energy project under this section, the department of  
19       land and natural resources shall conduct not less than two  
20       public hearings on the island where the public land to be leased  
21       for the proposed renewable energy project is located; provided  
22       that the notice of the hearing shall be published as provided in



1 section 1-28.5. The board shall prepare and distribute an  
2 outline of the proposals for the renewable energy project and  
3 receive testimony from interested parties and the general public  
4 at each public hearing.

5 (d) Any action taken by the board upon a proposal subject  
6 to this section shall take place on the island where the public  
7 land to be leased for the proposed renewable energy project is  
8 located.

9 (e) For any lease issued pursuant to this section, the  
10 renewable energy producer shall have the right of first refusal  
11 upon renewal of the lease."

12 SECTION 2. New statutory material is underscored.

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



S.B. NO. 50  
S.D. 1  
H.D. 2  
C.D. 1

**Report Title:**

DLNR; Renewable Energy Producer; Public Notice; Public Lands;  
Lease

**Description:**

Sets terms and conditions for leases of public lands to renewable energy producers, including requiring a public hearing, project completion, design, and financing documentation, and limitations on terminating or altering existing leases of public lands affected. (CD1)

