

ACT 213

H.B. NO. 1680

A Bill for an Act Relating to the Natural Energy Laboratory of Hawaii and Making an Appropriation Therefor.

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

**SECTION 1. Findings and purpose.** The legislature finds that the State of Hawaii is generously endowed with a variety and abundance of natural energy resources, among which are geothermal, solar radiation, steady winds, ocean waves, biomass, and ocean thermal energy conversion (OTEC), and Hawaii has been chosen as the site for a number of significant demonstrations in the development of natural energy.

By Act 236, Session Laws of Hawaii 1974, the legislature provided that the natural energy laboratory of the State of Hawaii be located on the parcel of state-owned land makai of the Ke-ahole airport on the island of Hawaii and further provided that the laboratory is to be under the direction and management of a

consortium that could be made up of several state and county entities and such foundations and enterprises as may be willing to provide funds, facilities, or research for the laboratory.

Following enactment of Act 236, a consortium consisting of representatives of the county of Hawaii, the office of the marine affairs coordinator, the University of Hawaii, the department of land and natural resources, and the department of planning and economic development has been providing for the direction and management of the natural energy laboratory at the Ke-ahole Point site.

In 1978 capital investment funds were released to provide for the development of the natural energy laboratory site and for facilities essential to its operation. Funds were also released for demonstration projects for participation by the State, the county of Hawaii, and the private sector in demonstrating the feasibility of OTEC. In addition, the United States Department of Energy has approved plans for the demonstration of OTEC concepts and related research and development projects to be located at the natural energy laboratory. Thus, Hawaii can become the international center for natural energy investigations utilizing the Ke-ahole Point site.

It is the purpose of this Act to provide for the formal organization and operation of the natural energy laboratory of Hawaii.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

## **“CHAPTER NATURAL ENERGY LABORATORY OF HAWAII**

**Sec. -1 Establishment of natural energy laboratory of Hawaii; purpose.** There is established a body corporate and a public instrumentality of the State of Hawaii to be known as the natural energy laboratory of Hawaii. The natural energy laboratory of Hawaii shall be placed within the department of planning and economic development for administrative purposes.

The natural energy laboratory of Hawaii shall manage and operate an outdoor research facility on a parcel of state-owned land at Ke-ahole Point on the island of Hawaii. The outdoor research facility shall provide a site for research, development, and demonstration of natural energy resources and for other compatible scientific and technological investigations. For the purposes of such activities, the outdoor research facility shall include the land at Ke-ahole Point, the waters offshore, and the structures constructed or erected thereon or therein, as determined to be required by the managing board of the natural energy laboratory of Hawaii.

**Sec. -2 Managing board; composition.** The natural energy laboratory of Hawaii shall be under the general control and management of a managing board consisting of seven ex officio voting members. The director of planning and economic development, the chairman of the board of land and natural resources, the marine affairs coordinator, two officers or employees of the University of Hawaii as designated by the president of the university, and two officials of the county of Hawaii as designated by the mayor of the county of Hawaii shall be the members of the managing board.

**Sec. -3 Powers of the managing board.** In the name of the natural energy laboratory of Hawaii, the managing board may:

- (1) Adopt, amend, and repeal bylaws governing its organization, the conduct of business, and the exercise of its powers and duties;
- (2) Promulgate rules with respect to its projects, activities, properties, and facilities, which rules shall be in conformance with chapter 91;
- (3) Promote the use of the natural energy laboratory site for the purposes provided by law;
- (4) Impose and collect fees pertaining to the use of properties and facilities of the natural energy laboratory of Hawaii;
- (5) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (6) Contract for and accept gifts or grants in any form from any public agency or from any other source;
- (7) Formulate budgets to provide for the operation of the laboratory;
- (8) Appoint, hire, and remove, without regard to chapters 76 and 77, necessary staff for the laboratory, and establish the salaries therefor;
- (9) Submit an annual report to the governor, the president of the senate, and the speaker of the house of representatives, which shall include, but not be limited to, progress and accomplishments made in the year, an accounting of funds received and disbursed, and the status of research projects; and
- (10) Do any and all things reasonably necessary to carry out its purposes and exercise the power granted in this chapter.

**Sec. -4 Special fund.** Any other law to the contrary notwithstanding, there is established a special fund to be known as the natural energy laboratory of Hawaii special fund, into which shall be deposited all moneys, fees, grants, and gifts made to the natural energy laboratory of Hawaii and from which expenditures may be made to provide for the operation of the natural energy laboratory of Hawaii.”

SECTION 3. Act 236, Session Laws of Hawaii 1974, is repealed.

SECTION 4. This Act shall take effect on July 1, 1979.

(Approved June 9, 1979.)