



GOV. MSG. NO. 745

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 23, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 23, 2008, the following bill was signed into law:

SB2034 HD2

A BILL FOR AN ACT AUTHORIZING THE ISSUANCE
OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST
OCEANLIX HAWAII LLC.
(ACT 103)

Sincerely,

LINDA LINGLE

A BILL FOR AN ACT

AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST OCEANLINX HAWAII LLC.

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

1 SECTION 1. The legislature finds support for the
2 development of efficient renewable energy systems in the state,
3 which is geographically isolated from sources of oil and other
4 fossil fuels, to be in the public interest.

5 The legislature further finds that Oceanlinx Hawaii LLC,
6 specializes in the development, construction, and operation of
7 electrical generation technology using ocean wave energy, often
8 referred to as hydrokinetic technology, with hydrokinetic power
9 projects under development in Rhode Island, the United Kingdom,
10 Australia, and South Africa. Oceanlinx Hawaii LLC, is engaged
11 in the planning, design, and construction of a hydrokinetic
12 power facility to be located off-shore of Maui to supply
13 electric energy generated from wave energy as a renewable energy
14 source to Maui Electric Company, Inc., and will replace a
15 portion of the petroleum-based fuels presently being used in the
16 state.



1 The legislature further finds that the issuance of special
2 purpose revenue bonds and refunding special purpose revenue
3 bonds under this Act to assist Oceanlinx Hawaii LLC, in
4 planning, designing, and constructing a wave energy, or
5 hydrokinetic, power facility and supplying electric energy
6 generated from that facility to an electric utility for resale
7 to the general public will contribute to the use of this
8 renewable energy resource of the state and will provide numerous
9 benefits, including:

- 10 (1) Reducing dependence on imported fossil fuels for
11 electrical generation, thereby increasing Hawaii's
12 energy security;
- 13 (2) Helping to meet Hawaii's renewable energy goals by
14 using existing natural energy resources;
- 15 (3) Supporting the environmentally beneficial development
16 of one of Hawaii's abundant renewable energy
17 resources; and
- 18 (4) Assisting the State, county of Maui, and the federal
19 government to meet their goals and mandates for energy
20 efficiency and renewable energy use.

21 SECTION 2. The legislature further finds and declares that
22 the issuance of special purpose revenue bonds under this Act is



1 in the public interest and for the public health, safety, and
2 general welfare.

3 SECTION 3. Pursuant to part V, chapter 39A, Hawaii Revised
4 Statutes, the department of budget and finance, with the
5 approval of the governor, is authorized to issue special purpose
6 revenue bonds in a total amount not to exceed \$20,000,000, in
7 one or more series, for the purpose of assisting Oceanlinx
8 Hawaii LLC, with the planning, design, and construction of the
9 hydrokinetic power generation facility off-shore of Maui. The
10 legislature hereby finds and determines that hydrokinetic power
11 generation constitutes a project as defined in part V, chapter
12 39A, Hawaii Revised Statutes, and the financing thereof is
13 assistance to an industrial enterprise.

14 SECTION 4. The special purpose revenue bonds and the
15 refunding special purpose revenue bonds issued under this Act
16 shall be issued pursuant to part V, chapter 39A, Hawaii Revised
17 Statutes, relating to the power to issue special purpose revenue
18 bonds to assist industrial enterprises.

19 SECTION 5. The department of budget and finance is
20 authorized, from time to time, including times subsequent to
21 June 30, 2013, to issue special purpose revenue bonds in
22 whatever principal amounts the department shall determine to be



1 necessary to refund the special purpose revenue bonds authorized
 2 in section 3 and to refund special purpose revenue bonds
 3 authorized in this section, regardless of whether the
 4 outstanding special purpose revenue bonds or refunding special
 5 purpose revenue bonds have matured or are the subject of
 6 redemption or whether the refunding special purpose revenue
 7 bonds shall be bonds for the multi-project programs described in
 8 section 3. In making this determination, the department shall
 9 comply with federal law relating to the exemption from federal
 10 income taxation of the interest on bonds of the nature
 11 authorized by this section.

12 SECTION 6. The authorization to issue special purpose
 13 revenue bonds under this Act shall lapse on June 30, 2013.

14 SECTION 7. This Act shall take effect on July 1, 2008.

APPROVED this 23 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII

