
A BILL FOR AN ACT

RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.

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

1 SECTION 1. Chapter 227D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§227D- Exemptions. (a) The authority shall be exempt
5 from section 26-35(a)(1), (4), and (5).

6 (b) The authority shall:

7 (1) Communicate directly with the governor and the
8 legislature;

9 (2) Make all decisions regarding employment, appointment,
10 promotion, transfer, demotion, discharge, and job
11 descriptions of all officers and employees of or under
12 the jurisdiction of the authority without the approval
13 of the director of business, economic development, and
14 tourism; provided that the authority shall follow all
15 applicable laws; and



1 (3) Purchase all supplies, equipment, and furniture
2 without the approval of the director of business,
3 economic development, and tourism.

4 (c) This section shall not apply to any of the authority's
5 powers or actions related to the Center of Excellence for
6 Research in Ocean Sciences."

7 SECTION 2. Section 227D-2, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The governing body of the authority shall consist of
10 a board of directors having ~~[eleven]~~ thirteen voting members.
11 ~~[Three]~~ Five members ~~[from the general public]~~ shall be
12 appointed by the governor for staggered terms pursuant to
13 section 26-34~~[7]~~. Two of these members shall be selected by the
14 governor from among the tenants holding leases on property
15 within the natural energy laboratory of Hawaii authority
16 research and technology park; provided that tenant members shall
17 be recused from voting on issues relating to water rates or
18 lease rents. The remaining three shall be selected from the
19 general public, except that one ~~[of these members]~~ shall be a
20 resident of the county of Hawaii~~[. The members shall be~~
21 ~~selected]~~, on the basis of their knowledge, interest, and proven



1 expertise in[7] but not limited to[7] one or more of the
2 following fields: finance, commerce and trade, corporate
3 management, marketing, economics, engineering, energy
4 management, real estate development, property management,
5 aquaculture, and ocean science. The chairperson and secretary
6 of the research advisory committee shall serve on the board.
7 The director of business, economic development, and tourism, the
8 chairperson of the board of land and natural resources, the
9 president of the University of Hawaii, the mayor of the county
10 of Hawaii, an appointed member from the board of the high
11 technology development corporation, and an appointed member from
12 the board of the Hawaii strategic development corporation, or
13 their designated representatives, shall serve as ex officio,
14 voting members of the board. The director of business, economic
15 development, and tourism shall serve as the chairperson until
16 such time as a chairperson is elected by the board from the
17 membership. The board shall elect other officers as it deems
18 necessary.

19 On issues relating to lease rents or water rates, an
20 affirmative vote of seven members shall be required to decide
21 the issue."



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

3 SECTION 4. This Act shall take effect upon its approval;
4 provided that section 1 shall be repealed on July 1, 2013.



Report Title:

Natural Energy Laboratory of Hawaii Authority; Board of Directors

Description:

Allows the natural energy laboratory of Hawaii authority (NELHA) to communicate directly with governor and legislature and make employment decisions and purchase supplies, equipment, and furniture without DBEDT approval, with the exception of actions in regard to the center of excellence for research in ocean sciences. Increases from eleven to thirteen, the number of members on the board; increases from three to five, the number of public members, with two of them selected from tenants of NELHA and three from the general public; prevents the tenant members from voting on lease rent or water rate issues; and requires a super majority vote of seven members to make decisions on lease rent or water rate issues. (CD1)

