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# A BILL FOR AN ACT

RELATING TO PUBLIC PROPERTY.

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

- 1           SECTION 1. Section 227D-3, Hawaii Revised Statutes, is  
2 amended to read as follows:
- 3           "§227D-3 Powers of the authority. The authority may:
- 4           (1) Sue and be sued;
- 5           (2) Have a seal and alter the same at its pleasure;
- 6           (3) Promote the use of the geothermal energy and natural  
7 resources sites for the purposes provided by law;
- 8           (4) Through its executive director appoint officers,  
9 agents and employees without regard to chapter 76 and  
10 to establish the salaries therefor;
- 11          (5) Adopt rules under chapter 91 necessary to effectuate  
12 this chapter in connection with its operation,  
13 facilities, parks, properties, and projects;
- 14          (6) Make, execute, enter into, amend, supplement, and  
15 carry out contracts and all other instruments  
16 necessary or convenient for the exercise of its powers  
17 and functions under this chapter with any private  
18 person, firm, partnership, association, company, or



1 corporation only as it may be necessary in the conduct  
2 of its business and on such terms as it may deem  
3 appropriate; provided that the authority shall not  
4 obligate any funds of the State except as have been  
5 appropriated to it. Notwithstanding the foregoing,  
6 the authority may enter into and perform [~~such~~] those  
7 contracts, leases, cooperative agreements, concessions  
8 for cell towers, or other transactions with any agency  
9 or instrumentality of the United States, a foreign  
10 nation, a state, a territory, or a possession, or with  
11 any political subdivision thereof;

12 (7) Accept, hold, or expend gifts or grants in any form  
13 from any public agency or private source, or from any  
14 other source;

15 (8) Impose and collect fees pertaining to the use of  
16 properties and facilities of the authority;

17 (9) Formulate budgets to provide for the operation of the  
18 facilities of the authority;

19 (10) Submit an annual report to the governor and the  
20 legislature at least twenty days prior to the  
21 convening of each regular session;



- 1           (11) Acquire, own, lease, hold, clear, improve, and  
2                    rehabilitate real, personal, or mixed property and  
3                    assign, exchange, transfer, convey, lease, sublease,  
4                    or encumber any project including by way of easements;
- 5           (12) Construct, reconstruct, rehabilitate, improve, alter,  
6                    or repair, or provide for the construction,  
7                    reconstruction, rehabilitation, improvement,  
8                    alteration, or repair of any project and designate a  
9                    qualified person as its agent for this purpose, and  
10                  own, hold, assign, transfer, convey, exchange, lease,  
11                  sublease, or encumber any project;
- 12          (13) Arrange or initiate appropriate action for the  
13                  planning, replanning, opening, grading, or closing of  
14                  streets, roads, roadways, alleys, easements, or other  
15                  places, the furnishings or improvements, the  
16                  acquisition of property or property rights, or the  
17                  furnishing of property or services in connection with  
18                  a research and technology park;
- 19          (14) Prepare or cause to be prepared plans, specifications,  
20                  designs, and estimates of cost for the construction,  
21                  reconstruction, rehabilitation, improvement,  
22                  alteration, or repair of any project or research and



- 1           technology park, and from time to time, modify these  
2           plans, specifications, designs, or estimates;
- 3       (15) Engage the services of consultants on a contractual  
4           basis for rendering professional and technical  
5           assistance and advice;
- 6       (16) Procure insurance against any loss in connection with  
7           its properties and other assets and operations in  
8           amounts and from insurers as it deems desirable;
- 9       (17) Issue bonds pursuant to this chapter in principal  
10           amounts as may be authorized from time to time by law  
11           to finance the cost of a project, including the repair  
12           or addition to its parks and facilities as authorized  
13           by law and to provide for the security thereof as  
14           permitted by this chapter;
- 15       (18) Lend or otherwise apply the proceeds of the bonds  
16           issued for a project or a research and technology park  
17           either directly or through a trustee or a qualified  
18           person for use and application in the acquisition,  
19           construction, installation, or modification of a  
20           project or research and technology park, or agree with  
21           the qualified person whereby any of these activities  
22           shall be undertaken or supervised by that qualified



1 person or by a person designated by the qualified  
2 person;

3 (19) With or without terminating a project agreement,  
4 exercise any and all rights provided by law for entry  
5 and re-entry upon or to take possession of a project  
6 at any time or from time to time upon breach or  
7 default by a qualified person under a project  
8 agreement;

9 (20) Create an environment that supports appropriate  
10 natural resource utilization and results in economic  
11 development, including: supporting research projects  
12 and facilitating the transition from research and  
13 development to pilot scale and then to full commercial  
14 operation of companies utilizing the natural resources  
15 available at the research and technology parks;  
16 developing educational and conservation programs;  
17 supporting commercialization of the natural resources  
18 available at the research and technology parks, if the  
19 commercialization is compatible with the research,  
20 development, and other retail, commercial, and tourism  
21 activities of the research and technology parks;  
22 identifying issues and impediments to the development



1 of natural resource utilization; and providing policy  
2 analysis and information important to the development  
3 of natural resource utilization in Hawaii;

4 (21) Develop programs that support projects and companies  
5 which locate at the research and technology parks;

6 (22) Attract appropriate new uses of the natural resources  
7 in Hawaii, including retail, commercial, and tourism  
8 activities; and

9 (23) Do any or all other acts reasonably necessary to carry  
10 out the purposes of the authority."

11 SECTION 2. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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



**Report Title:**

Natural Energy Laboratory Of Hawaii Authority; Concessions;  
Hawaii Public Procurement Code

**Description:**

Authorizes the natural energy laboratory of Hawaii authority to  
enter into concessions for cell towers. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

