
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 including concessions for cell towers, necessary or
17 convenient for the exercise of its powers and
18 functions under this chapter with any private person,



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

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

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

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

20 (10) Submit an annual report to the governor and the
21 legislature at least twenty days prior to the
22 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; Cell Tower
Concessions

Description:

Authorizes the natural energy laboratory of Hawaii authority to
enter into concessions for cell towers. (SD1)

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not legislation or evidence of legislative intent.*

