

LIFE OF THE LAND

Ua Mau Ke Ea o Ka 'Aina i Ka Pono

The Life of the Land is Perpetuated in Righteousness

76 North King Street, #203, Honolulu, Hawai'i 96817

(808) 533-3454 * henry@lifeoftheland.net

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

FRIDAY, March 30, 2007

3:00 P.M.

Conference Room 308

Copies: 45

SB 1718 HD1 BlueEarth SPRBs

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee

My name is Henry Curtis and I am Executive Director of Life of the Land, Hawai'i's own environmental and community action group advocating for the people and the 'aina since 1970. Our mission is to preserve and protect the life of the land through sustainable land use and energy policies and by promoting open government through research, education, advocacy, and litigation.

Hawaii Revised Statutes (HRS) Chapter 39A Special Purpose Revenue Bonds (SPRBs) is broken down into ten parts dealing with issuing SPRBs for various for-profit and non-profit entities.

BlueEarth Maui Biodiesel LLC may qualify under Part III (Assisting Manufacturing Enterprises) or Part IV (Assisting Processing Enterprises). They do not qualify under Section VI (Assisting Utilities Serving the General Public in Providing Electric Energy or Gas) because they have not been certified by the Public Utilities Commission (HRS §39A-191) and they do not qualify under Part X (Assisting Agricultural Enterprises Serving Important Agricultural Lands) because they have not identified any important agricultural lands they are serving.

BlueEarth does not qualify as a business entity.

"Project party" means a person, firm, or corporation qualified to do business in this State and conducting or proposing to conduct a processing enterprise in this State."
(Part III, HRS §39A-71 Definitions; Part IV, HRS §39A-191 Definitions)

BlueEarth Maui Biodiesel LLC has been reserved as a name of a potential company with the Department of Commerce and Consumer Affairs Business Registration Division ("DCCA BREG"). However they do not exist.

Furthermore, in testimony before this Legislature, only one of three alleged parent companies exist, and that entity is a minority owner.

Thus under State Law, BlueEarth Maui Biodiesel LLC is NOT QUALIFIED for SPRBs.