

STAND. COM. REP. NO. 298

Honolulu, Hawaii
Feb 18, 2009

RE: H.B. No. 197

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 197 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this bill is to help reduce Hawaii's independence on fossil fuels by providing boards of directors of condominium owners' associations (Boards) the authority to install or permit installation of solar energy or wind energy devices on common elements of the project.

The Sierra Club, Hawaii Chapter, Blue Planet Foundation, Hawaii Solar Energy Association, and Community Associations Institute testified in support of this bill.

Present condominium law requires 67 percent or even 75 percent approval of the unit owners to use the common elements for solar energy or wind energy projects. This bill would allow Boards to install such devices, and circumvent the requisite high levels of approval, which, combined with owner apathy, can defeat the best efforts of Boards to install solar energy or wind energy devices in the project. If there is concern that this bill would give Boards too broad an authority, an alternative would be to reduce the approval requirement to allow such installations, to a simple majority, or 50.1 percent. If these types of energy-saving devices can help reduce operational costs to benefit an association as a whole, a simple majority should be adequate to address the common interests of all owners.

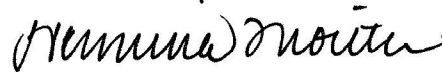
HB197 HSCR EEP HMS 2009-2022



Your Committee also respectfully requests that the Committee on Consumer Protection & Commerce consider replacing the reference to "equipment sold" with "equipment to be installed" in the definition of wind energy devices.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 197 and recommends that it pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 197	Committee Referral: EEP, CPC	Date: 2/10/09 2/3/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. COFFMAN, Denny (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono				✓
6. HAR, Sharon E.		✓		
7. HERKES, Robert N.				✓
8. ITO, Ken	✓			
9. LEE, Chris	✓			
10. LUKE, Sylvia	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	10	1	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Denny Coffman</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				