

STAND. COM. REP. NO. 67

Honolulu, Hawaii

FEB 17 2009

RE: S.B. No. 606
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 606 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this measure is to provide the boards of directors of a condominium association with the same authority that condominium unit owners now have to install or allow the installation of solar energy or wind energy devices on the common elements, under appropriate circumstances, to further reduce Hawaii's dependence on energy generated from fossil fuels.

Testimony in support of this measure was submitted by four private organizations. One of these organizations, the Hawaii Chapter of the Community Associations Institute, also submitted oral testimony expressing concern that the measure, as drafted, would authorize the board of directors of a condominium association to permit an owner to install solar energy or wind energy devices within the common elements that could block the views of other owners. The Community Associations Institute suggested alternative language to address this possibility.

Your Committee finds that this measure is a logical extension of Act 157, Session Laws of Hawaii 2005, which prohibited restrictions preventing individuals from installing solar energy devices on houses or townhomes that they own. The present condominium law requires high levels of unit owner approval, typically, 67% or 75%, to lease even unused areas of the project,

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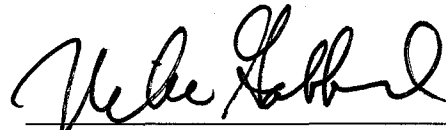
such as roofs. This measure allows the board, alone, to install solar energy devices or lease roof space and other unused areas of the project.

Your Committee has amended this measure by:

- (1) Revising the definition of "wind energy device" for clarity and consistency within the definition; and
- (2) Adopting the recommendation of the Community Associations Institute regarding the board's ability to permit installations.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 606, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 606, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,

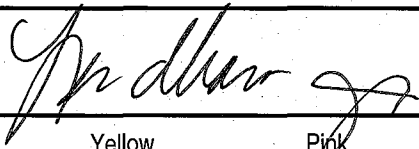


MIKE GABBARD, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* SB 606	Committee Referral: ENE, CPN	Date: 2-3-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
HOOSER, Gary L.				✓
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.				✓
HEMMINGS, Fred	✓			
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes