

STAND. COM. REP. NO.

451

Honolulu, Hawaii  
February 15, 2013

RE: H.B. No. 1406  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1406 entitled:

"A BILL FOR AN ACT RELATING TO SOLAR ENERGY,"

begs leave to report as follows:

The purpose of this measure is to require homeowners, community, and condominium associations and cooperatives, among others, to submit a copy of their duly adopted rules providing for the placement of solar energy devices by the deadline for filing their next condominium association biennial registration; provided, however, that failure to do so shall result in loss of their tax exempt status.

The Department of Business, Economic Development, and Tourism; Hawaii Solar Energy Association; and Interisland Solar Supply supported this measure. The Community Associations Institute Legislative Action Committee and an individual testified in opposition of this measure. The Blue Planet Foundation provided comments on this measure.

Your Committee notes that the loss of tax exempt status may be too severe a penalty for many associations and cooperatives. Should the Committee on Commerce and Consumer Protection consider this measure, your Committee respectfully requests that the above be considered.

HB1406 HD1 HSCR EEP HMS 2013-2057



Your Committee has amended this measure by:

- (1) Clarifying that every association, cooperative, or other entity that is prohibited statutorily from preventing the installation of solar energy devices on townhouses and other dwellings is subject to the rule adoption requirements pertaining to such installations;
- (2) Including devices using solar energy for drying or clothes-drying in the definition of "solar energy device"; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 1406, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1406, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

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



CHRIS LEE, Chair



State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

HSCR 491

**Record of Votes of the Committee on Energy & Environmental Protection**

Bill/Resolution No.: <i>HB 1406</i>	Committee Referral: <i>EEP, CPC</i>	Date: <i>2/12/13</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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. LEE, Chris (C)	X			
2. THIELEN, Cynthia (VC)	X			
3. COFFMAN, Denny	X			
4. CULLEN, Ty J.K.		X		
5. EVANS, Cindy	X			
6. HANOHANO, Faye P.		X		
7. KAWAKAMI, Derek S.K.	X			
8. LOWEN, Nicole E.	X			
9. FALE, Richard Lee		X		
TOTAL (9)	6	3		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Cynthia Thielen</i></u>				
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