

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 19
S.D. 1
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 S.B. No. 19, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to encourage renewable energy production to enable Hawaii to meet its clean energy initiative goals by, among other things:

- (1) Exempting from the definition of "public utility" a landlord or lessor who owns, operates, or manages renewable energy systems on their property and provides, sells, or transmits the power generated from the renewable energy systems to an electric utility and lessee or tenant on the same property;
- (2) Providing that the rate schedule charged to the lessee or tenant shall not be greater than the rate charged per kilowatt hour by the electric utility; and
- (3) Specifying that disputes concerning the provision, sale, or transmission of power generated from renewable energy systems, including rate schedules charged to the lessee or tenant shall be resolved pursuant to provisions of the lease agreement or provisions of the Residential Landlord-Tenant Code.



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The Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs Division of Consumer Advocacy; Department of Taxation; Green Building, LLC; Hawaii Association of REALTORS; Hawaii Solar Energy Association; Blue Planet Foundation; Hamakua Springs Country Farms; and an individual provided testimony in support of this measure. The Public Utilities Commission; Building Industry Association of Hawaii; Carmel Partners; Distributed Energy Partners; Forest City Hawaii; Commercial Real Estate Development Association, Hawaii Chapter; GSF, LLC; Castle & Cooke Hawaii; Catholic Charities Housing Development Corporation; Sierra Club, Hawaii Chapter; Think Tech Hawaii; and an individual provided comments on this measure.

Your Committee has amended this measure by:

- (1) Clarifying that its purpose is to exempt landlords and lessors who install renewable energy systems on their property and provide, sell, or transmit the power generated therefrom to tenants or lessees on the same property from the definition of "public utility"; and
- (2) Making technical, nonsubstantive amendments for the purposes of 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 S.B. No. 19, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 19, S.D. 1, 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,

Fr

Chris Lee

CHRIS LEE, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCE 1184

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: <i>SB 19, SD1</i>	Committee Referral: <i>EEP, CPC</i>	Date: <i>3/21/13</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)	<i>9</i>			
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: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Cynthia Thieden</i>				
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