

STAND. COM. REP. NO. 942 -22

Honolulu, Hawaii

MAR 04 , 2022

RE: H.B. No. 2042  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2042, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to authorize the counties to create a process for the recordation and enforcement of solar easements and to require protection of solar access from shade caused by vegetation in order to preserve the economic value of solar radiation falling on structures, investments in solar energy devices, and options for future uses of solar energy.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that the development and expansion of solar energy technology will help the State meet its present and future energy needs and renewable energy mandates. Enabling the counties to regulate and enforce certain rights or access to solar radiation would create a mechanism by which solar easements and rights may be established, asserted, and defended even as shade from neighboring structures or vegetation may infringe upon those rights or access.

2022-1761 HB2042 HD2 HSCR HMSO



Your Committee has amended this measure by:

- (1) Deleting provisions that would have authorized the counties to require, by ordinance, the trimming of vegetation that blocks solar radiation from solar energy devices; 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2042, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2042, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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MARK M. NAKASHIMA, Chair



**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

<b>Bill/Resolution No.:</b> HB 2042, HD1	<b>Committee Referral:</b> EEP, JHA	<b>Date:</b> 2-23-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.			✓	
5. LoPRESTI, Matthew S.		✓		
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.		✓		
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane		✓		
11. WARD, Gene		✓		
<b>TOTAL (11)</b>	6	4	1	0
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				