

Honolulu, Hawaii

APR 21 2010 , 2010

RE: S.B. No. 2817
S.D. 1
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2817, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require every private homeowners association or entity to adopt rules by December 31, 2011, that shall not impose conditions or restrictions that render a solar energy device more than twenty-five per cent less effective, increase the cost of installation, maintenance, and removal of a solar energy device by more than fifteen per cent, or require an encumbrance on title relating to liability because of the placement of the solar energy device.

Your Committee finds that clarification of existing laws regarding private restrictions on the placement of solar energy devices is needed, because some homeowners associations may, by



rule, put up obstacles for people who wish to install solar water heaters and photovoltaic systems on their single-family dwellings or townhouses. Your Committee further finds that solar energy systems are an integral part of reaching Hawaii's clean energy goals and are becoming increasingly common. Solar is one of the most substantial and readily available forms of clean energy that is available in the State. This measure serves to eliminate obstacles for residents and therefore encourage continued widespread adoption of solar energy devices.

Your Committee has amended this measure by:

- (1) Clarifying that rules for the placement of solar devices must be revised by July 1, 2011;
- (2) Clarifying that a private homeowners association or entity shall not require an encumbrance on title by removing the provision requiring that it relate to liability; and
- (3) Repealing on June 30, 2015, the provision that a private entity shall not require an encumbrance on title.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2817, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2817, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE



HERMINA MORITA, Co-Chair



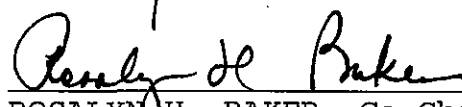
RIDA CABANILLA, Co-Chair


RON RIKI KARAMATSU, Co-Chair

ON THE PART OF THE SENATE



MIKE GABBARD, Chair



ROSALYN H. BAKER, Co-Chair



62-10

62-10

Bill / Concurrent Resolution No.: SB 2817, SD 1, HD 1					Date/Time: <div style="font-size: 1.2em; font-family: cursive;">4-16-10 2:30pm.</div>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GABBARD, Mike, Chr.	✓				MORITA, Hermina M., Co-Chr.	✓			
BAKER, Rosalyn H., Co-Chr.	✓				CABANILLA, Rida, Co-Chr.	✓			
GREEN, Josh, M.D.				✓	KARAMATSU, Jon Riki, Co-Chr.	✓			
					CHING, Corinne W.L.				✓
TOTAL	2	-	-	1	TOTAL	3	-	-	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em;">Mike Gabbard</div>					House Lead Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em;">Merrill Moore</div>				
Distribution: Original File with Conference Committee Report					Yellow House Clerk's Office Pink Senate Clerk's Office Goldenrod Drafting Agency				