

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2038  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Energy and Environment, to which was referred S.B. No. 2038 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require solar water heaters in new duplex dwellings and limit the circumstances in which a variance for a demand water heater may be granted.

Your Committee received testimony in support of this measure from the Kauai County Council, Sierra Club, Hawaii Solar Energy Association, Blue Planet Foundation, Palms Hawaii Architecture, and four individuals. Your Committee received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii, Building Industry Association of Hawaii, and The Gas Company.

Your Committee finds that the administration of the solar water heater requirement has proven unusually difficult. Since the counties are directly affected by variances and keenly aware of local conditions, the counties may be better able to provide oversight of the variance process.

Accordingly, your Committee has amended this measure by:

- (1) Transferring administration of solar water heater variance applications from the Department of Business,

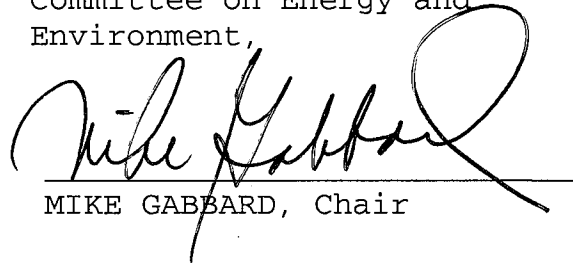


Economic Development, and Tourism to the county permitting agencies;

- (2) Deleting language limiting the persons who may apply for a variance for a tankless, gas water heater to the occupant of the new house;
- (3) Inserting new language in section 196-6.5, Hawaii Revised Statutes, that allows the legislative body of each county to set the parameters by which its county permitting agency shall approve, disapprove, or approve with conditions any variance application; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2038, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2038, S.D. 1, and be referred to the Committee on Water, Land, and Housing.

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



MIKE GABBARD, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2038</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">ENE, WLH</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/16/12</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SLOM, Sam			✓	
<b>TOTAL</b>	2	0	1	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">JLH</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

\*Only one measure per Record of Votes