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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 6E-2, Hawaii Revised Statutes, is  
2 amended by amending the definition of "project" to read as  
3 follows:  
4           ""Project" means any activity directly undertaken by the  
5 State or its political subdivisions or supported in whole or in  
6 part through appropriations, contracts, grants, loans, or other  
7 forms of funding assistance from the State or its political  
8 subdivisions or involving any lease, permit, license,  
9 certificate, land use change, or other entitlement for use  
10 issued by the State or its political subdivisions. The term  
11 "project" excludes the installation of a roof-mounted  
12 photovoltaic or solar water heater system; provided that if such  
13 installation is but one portion of an activity that constitutes  
14 a "project" under this definition, only the portion of the  
15 activity consisting of the installation of the roof-mounted  
16 photovoltaic or solar water heater system shall be excluded from  
17 the term "project"."



1 SECTION 2. Section 6E-10, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§6E-10 Privately owned historic property.** (a) Before  
4 any construction, alteration, disposition, or improvement of any  
5 nature, by, for, or permitted by a private landowner may be  
6 commenced which will affect an historic property on the Hawaii  
7 register of historic places, the landowner shall notify the  
8 department of the construction, alteration, disposition, or  
9 improvement of any nature and allow the department opportunity  
10 for review of the effect of the proposed construction,  
11 alteration, disposition, or improvement of any nature on the  
12 historic property. The proposed construction, alteration,  
13 disposition, or improvement of any nature shall not be  
14 commenced, or in the event it has already begun, continue, until  
15 the department shall have given its concurrence or ninety days  
16 have elapsed. Within ninety days after notification, the  
17 department shall:

18 (1) Commence condemnation proceedings for the purchase of  
19 the historic property if the department and property  
20 owner do not agree upon an appropriate course of  
21 action;



1 (2) Permit the owner to proceed with the owner's  
2 construction, alteration, or improvement; or  
3 (3) In coordination with the owner, undertake or permit  
4 the investigation, recording, preservation, and  
5 salvage of any historical information deemed necessary  
6 to preserve Hawaiian history, by any qualified agency  
7 for this purpose.

8 (b) Nothing in this section shall be construed to prevent  
9 the ordinary maintenance or repair of any feature in or on an  
10 historic property that does not involve a change in design,  
11 material, or outer appearance or change in those characteristics  
12 [~~which~~] that qualified the historic property for entry onto the  
13 Hawaii register of historic places.

14 (c) Any person, natural or corporate, who violates the  
15 provisions of this section shall be fined not more than \$1,000,  
16 and each day of continued violation shall constitute a distinct  
17 and separate offense under this section for which the offender  
18 may be punished.

19 (d) If funds for the acquisition of needed property are  
20 not available, the governor may, upon the recommendation of the  
21 department, allocate from the contingency fund an amount



1 sufficient to acquire an option on the property or for the  
2 immediate acquisition, preservation, restoration, or operation  
3 of the property.

4 (e) The department may enter, solely in performance of its  
5 official duties and only at reasonable times, upon private lands  
6 for examination or survey thereof. Whenever any member of the  
7 department duly authorized to conduct investigations and surveys  
8 of an historic or cultural nature determines that entry onto  
9 private lands for examination or survey of historic or cultural  
10 finding is required, the department shall give written notice of  
11 the finding to the owner or occupant of such property at least  
12 five days prior to entry. If entry is refused, the member may  
13 make a complaint to the district environmental court in the  
14 circuit in which such land is located. The district  
15 environmental court may thereupon issue a warrant, directed to  
16 any police officer of the circuit, commanding the officer to  
17 take sufficient aid, and, being accompanied by a member of the  
18 department, between the hours of sunrise and sunset, allow the  
19 member of the department to examine or survey the historic or  
20 cultural property.



1        (f) For the purposes of this section, "construction,  
2 alteration, disposition, or improvement of any nature" excludes  
3 the installation of a roof-mounted photovoltaic or solar water  
4 heater system; provided that if such installation is but one  
5 portion of an activity that constitutes construction,  
6 alteration, disposition, or improvement of any nature subject to  
7 this section, only the portion consisting of the installation of  
8 the roof-mounted photovoltaic or solar water heater system shall  
9 be excluded from the term "construction, alteration,  
10 disposition, or improvement of any nature"."

11        SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13        SECTION 4. This Act shall take effect on July 1, 2100.

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# H.B. NO. 1523 H.D. 1

**Report Title:**

Roof-mounted Photovoltaic or Solar Water Heater Systems; State  
Historic Preservation Division; Historic Review

**Description:**

Excludes the installation of roof-mounted photovoltaic or solar  
water heater systems from mandatory review under chapter 6E,  
HRS, by the state historic preservation division. Effective  
7/1/2100. (HD1)

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not legislation or evidence of legislative intent.*

