

JAN 21 2022

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 qualified the historic property for entry onto the Hawaii
13 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.



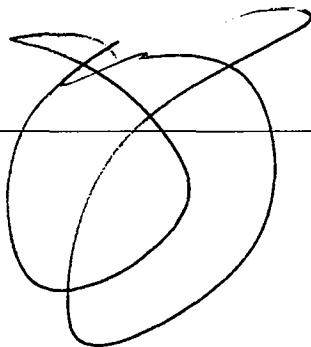
1 (f) For the purposes of this section, "construction,
 2 alteration, disposition, or improvement of any nature" excludes
 3 the installation of a roof-mounted photovoltaic or solar water
 4 heater system; provided that if such installation is but one
 5 portion of an activity that constitutes construction,
 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. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY: _____


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S.B. NO. 2569

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.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

