July 8, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2933 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB2933 SD2 HD2 CD1  A BILL FOR AN ACT RELATING TO HOUSEHOLD ENERGY DEMAND.

Sincerely,

[Signature]

LINDA LINGLE
STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2933

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2933, entitled "A Bill for an Act Relating to Household Energy Demand."

The purpose of this bill is to prevent contracts and other binding agreements from precluding the erecting of clotheslines on the premises of single-family residences or townhouses.

I agree that Hawaii residents should consider using clotheslines as an alternative to electric dryers. This is a simple and easy way to lower individual energy costs and help the environment. However, this bill is objectionable because the proper way to promote this practice is through advertising and public education campaigns, not government regulation.

Homeowners who choose to buy a home or townhouse in a neighborhood governed by a community association do so for a reason—they want to live in a community that provides and protects their property values. These homeowners often pay more for this option and, upon purchase, agree to abide by specific covenants and rules that regulate certain activities, such as the number of cars that can be parked on the street, the color of the paint on their house, and the use or placement of objects in their yards. This bill unnecessarily invalidates homeowners'
contracts and inserts government regulation into a local, community matter.

If those living in community associations determine they want change, they can and should work within their individual associations to find solutions that are tailored to their individual community needs. This bill provides a one-size-fits-all approach that is unnecessary and unfair to certain homeowners in Hawaii.

For the foregoing reasons, I am returning Senate Bill No. 2933 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii
A BILL FOR AN ACT

RELATING TO HOUSEHOLD ENERGY DEMAND.

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

SECTION 1. The legislature finds that electric clothes dryers use over ten per cent of many households' total energy demand. Reducing the use of clothes dryers in the state could substantially decrease the amount of electricity that households use and thereby reduce the amount of fossil fuels used to generate electricity.

The legislature further finds that simple clotheslines make efficient use of two abundant resources, sun and wind, to dry clothing. For aesthetic reasons, however, many homeowners associations' prohibit or render ineffective the use of clotheslines to dry clothes by association member homeowners.

The legislature further finds that, while aesthetic concerns may have been acceptable 20 years ago, it makes no sense today to restrict smart energy-saving behavior given Hawaii's high energy costs, Hawaii's overdependence on fossil fuels, and climate change issues.

The purpose of this Act is to prohibit:
(1) Contracts and other binding agreements from precluding the erecting and use of clotheslines on the premises of single-family residential dwellings; and

(2) Rules on the placement of clotheslines from being unduly or unreasonably restrictive.

SECTION 2. Section 196-7, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsection (a) to read:

"§196-7 Placement of solar energy devices. (a)

Notwithstanding any law to the contrary, no person shall be prevented by any covenant, declaration, bylaws, restriction, deed, lease, term, provision, condition, codicil, contract, or similar binding agreement, however worded, from installing a solar energy device on any single-family residential dwelling or townhouse that the person owns, or erecting and using a clothesline for the purpose of drying clothes on the premises of any single-family residential dwelling or townhouse that the person owns; provided that rules that facilitate the placement of clotheslines shall not be unduly or unreasonably restrictive.

Any provision in any lease, instrument, or contract contrary to the intent of this section shall be void and unenforceable."

2. By amending subsection (f) to read:
"(f) For the purposes of this section:

"Private entity" means any association of homeowners, community association, condominium association, cooperative, or any other non-governmental entity with covenants, bylaws, and administrative provisions with which the homeowner's compliance is required.

"Solar energy device" means any identifiable facility, equipment, apparatus, or the like, [including a photovoltaic cell application,] that is applicable to a single-family residential dwelling or townhouse and makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for generation[+], including, but not limited to, photovoltaic cell applications and clotheslines; provided that for purposes of this section, "clothesline" means a rope, cord, or wire on which laundry is hung to dry; provided further that "solar energy device" shall not include skylights or windows."

SECTION 3. Section 235-12.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) For the purposes of this section:

"Actual cost" means costs related to the renewable energy technology systems under subsection (a), including accessories
and installation, but not including the cost of consumer incentive premiums unrelated to the operation of the system or offered with the sale of the system and costs for which another credit is claimed under this chapter.

"Renewable energy technology system" means a new system that captures and converts a renewable source of energy, such as wind, heat (solar thermal), or light (photovoltaic) from the sun into:

(1) A usable source of thermal or mechanical energy;
(2) Electricity; or
(3) Fuel[\text{-}]i

provided that for purposes of this section, "renewable energy technology system" shall not include skylights, windows, or clotheslines.

"Solar or wind energy system" means any identifiable facility, equipment, apparatus, or the like that converts insolation or wind energy to useful thermal or electrical energy for heating, cooling, or reducing the use of other types of energy that are dependent upon fossil fuel for their generation[\text{-}]; provided that for purposes of this section, "solar or wind energy system" shall not include skylights, windows, or clotheslines."
SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.