

JAN 26 2011

A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. Section 196-6.5, Hawaii Revised Statutes, is
2 amended to by amending subsections (a), (b), and (c) to read as
3 follows:

4 "(a) On or after January 1, 2010, no building permit shall
5 be issued for a new single-family dwelling that does not include
6 a solar water heater system that meets the standards established
7 pursuant to section 269-44, unless the [~~coordinator~~] county
8 planning department approves a variance. A variance application
9 shall only be accepted if submitted by an architect or
10 mechanical engineer licensed under chapter 464, who attests
11 that:

- 12 (1) Installation is impracticable due to poor solar
13 resource;
- 14 (2) Installation is cost-prohibitive based upon a life
15 cycle cost-benefit analysis that incorporates the
16 average residential utility bill and the cost of the
17 new solar water heater system with a life cycle that
18 does not exceed fifteen years;



1 (3) A renewable energy technology system, as defined in
2 section 235-12.5, is substituted for use as the
3 primary energy source for heating water; or

4 (4) A demand water heater device approved by [~~Underwriters~~
5 ~~Laboratories, Inc.,~~] a North American certification
6 entity is installed; provided that at least one other
7 gas appliance is installed in the dwelling. For the
8 purposes of this paragraph, "demand water heater"
9 means a gas-tankless instantaneous water heater that
10 provides hot water only as it is needed.

11 (b) A request for a variance shall be submitted to the
12 [~~coordinator~~] county planning department on an application
13 prescribed by the [~~coordinator~~] county planning department and
14 shall include a description of the location of the property and
15 justification for the approval of a variance using the criteria
16 established in subsection (a). A variance shall be deemed
17 approved if not denied within thirty working days after receipt
18 of the variance application. The [~~coordinator~~] county planning
19 department shall publicize:

20 (1) All applications for a variance within seven days
21 after receipt of the variance application; and



1 (2) The disposition of all applications for a variance
2 within seven days of the determination of the variance
3 application.

4 (c) The [~~director of business, economic development, and~~
5 ~~tourism~~] counties may adopt rules pursuant to chapter 91 to
6 impose and collect fees to cover the costs of administering
7 variances under this section. [~~The fees, if any, shall be~~
8 ~~deposited into the energy security special fund established~~
9 ~~under section 201-12.8.~~] "

10 SECTION 2. Section 201-12.8, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) There is created within the state treasury an energy
13 security special fund, which shall consist of:

- 14 (1) The portion of the environmental response, energy, and
15 food security tax specified under section 243-3.5;
- 16 (2) Moneys appropriated to the fund by the legislature;
- 17 (3) All interest attributable to investment of money
18 deposited in the fund; and
- 19 (4) Moneys allotted to the fund from other sources [~~7~~
20 ~~including under section 196-6.5~~]. "



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval;
7 provided that the amendments made to section 201-12.8, Hawaii
8 Revised Statutes, by section 2 of this Act shall not be repealed
9 when section 201-12.8, Hawaii Revised Statutes, is reenacted on
10 June 30, 2015, pursuant to section 14 of Act 73, Session Laws of
11 Hawaii 2010.

12

INTRODUCED BY:

Michelle Lujan



Report Title:

Renewable Energy; Solar Water Heating Requirement; Variances

Description:

Transfers the power to grant variances on the solar water heater requirement for new construction from the department of business, economic development, and tourism to the county planning departments. Eliminates the provision requiring that fees to administer the variances go to the energy security special fund.

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