

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 1042

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Commerce and Consumer Protection and
Judiciary and Labor, to which was referred S.B. No. 1042 entitled:

"A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES
COMMISSION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the description of Public Utilities Commission staff under section 269-3, Hawaii Revised Statutes; and
- (2) Repeal Public Utilities Commission position descriptions contained in Act 177, Session Laws of Hawaii 2007.

Your Committees received testimony in support of this measure from the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, Public Utilities Commission, Hawaii Energy Policy Forum, and one individual.

Your Committees find that Act 177, Session Laws of Hawaii 2007 (Act 177), which authorized the reorganization of the Public Utilities Commission, mandated specific position descriptions for Commission staff based on the Commission's needs at that time. Your Committees further find that major strides in clean energy policy and programs have been made since Act 177 was enacted. Although these changes have been beneficial for Hawaii's clean energy future, the restrictions in Act 177 have made it very difficult for the Commission to recruit appropriate personnel to



satisfy its current regulatory needs. This measure supports the Commission's efforts to identify, design, and fill the positions needed to modernize and transform the Commission and will enable the Commission to meet the needs of a rapidly changing regulatory environment.

Your Committees additionally find that the Public Utilities Commission has recently received guidance from the Department of Human Resources Development on how to further improve the flexibility of the Commission in its recruitment and staffing efforts. Therefore, amendments to this measure are necessary.

Accordingly, your Committees have amended this measure by:

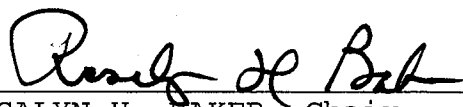
- (1) Clarifying that the Chairperson of the Public Utilities Commission may appoint, and at pleasure dismiss, a chief administrator and attorneys who shall be exempt from chapter 76, Hawaii Revised Statutes;
- (2) Clarifying that the Chairperson of the Public Utilities Commission may appoint other staff with or without regard to chapter 76, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1042, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1042, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Judiciary and Labor,



CLAYTON HEE, Chair

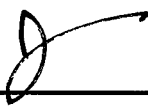


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

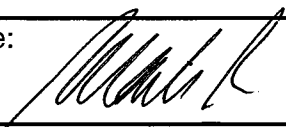
Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:	Committee Referral:	Date:		
SB 1042	CPN/SDL, WAM	2/12/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama				✓
TANIGUCHI, Brian T.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 1042	Committee Referral: CPN/JDL, WAM	Date: 02.12.2013		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam				✓
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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