

Honolulu, Hawaii

MAR 27 2015

RE: H.B. No. 1372
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Agriculture, to which was referred H.B. No. 1372, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend the definition of "public utility" to exclude any person who provides water solely to agricultural activities.

Your Committee received testimony in support of this measure from the Department of Agriculture. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that Hawaii's fresh water resources have always been considered part of the public trust, to be managed and administered for the public benefit rather than for private gain and the State, through its agencies, has an affirmative duty to uphold this trust and to ensure that private entities are not allowed to unduly benefit from one of Hawaii's most precious natural resources. Your Committee questions whether the amendment proposed by this measure is necessary or appropriate; therefore, your Committee finds that this issue requires further study.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting language that requires the Department of Agriculture to establish a

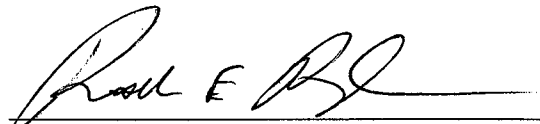


working group to study the feasibility of excluding any person who provides water solely to agricultural activities from the definition of "public utility" as used in chapter 269, Hawaii Revised Statutes;

- (2) Inserting language that outlines the working group membership;
- (3) Inserting language that requires the working group to report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016;
- (4) Inserting an effective date of upon approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1372, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1372, H.D. 2, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture,




RUSSELL E. RUDERMAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1372, HD 2	AGL, CPN	March 24, 2015		
<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
RUDERMAN, Russell E. (C)	X			
RIVIERE, Gil (VC)	X			
CHUN OAKLAND, Suzanne	X			
TANIGUCHI, Brian T.				X
THIELEN, Laura H.	X			
WAKAI, Glenn				X
SLOM, Sam	X			
TOTAL	5	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes