

STAND. COM. REP. NO.

979

Honolulu, Hawaii

MARCH 3, 2017

RE: H.B. No. 1536
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1536, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO IRRIGATION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that the Board of Agriculture has the power to acquire property by eminent domain for the construction and maintenance of water facilities that convey, distribute, and transmit water for agricultural uses, but not for domestic use; and
- (2) Amend the definition of "public utility" to exclude entities that convey, transmit, and distribute nonpotable water.

The Land Use Research Foundation of Hawaii, East Kauai Water Users' Cooperative, Hawaii Farm Bureau, Kalepa Coalition, Maui County Farm Bureau, Saiva Siddhanta Church, and a concerned individual testified in support of this measure. The Department of Agriculture testified in support of the intent of this measure. One concerned individual testified in opposition to this measure. The Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, Public Utilities Commission, Office of

HB1536 HD2 HSCR CPC HMS 2017-2683



Hawaiian Affairs, and Honolulu Board of Water Supply provided comments.

Your Committee has amended this measure by:

- (1) Excluding any board of water supply that manages, controls, and operates the waterworks of a county for the purpose of supplying water to the public in that county from the definition of a "public utility"; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1536, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1536, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. McKELVEY, Chair



