

Honolulu, Hawaii

MAR 22 2017

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

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health, to which was referred H.B. No. 1536, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO IRRIGATION,"

beg leave to report as follows:

The purpose and intent 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" in chapter 269, Hawaii Revised Statutes, to exclude:
 - (A) Any person who controls, operates, or manages plants or facilities developed for conveying, distributing, and transmitting non-potable water, and any irrigation project established pursuant to chapter 167, Hawaii Revised Statutes; and
 - (B) 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.

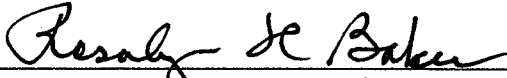
Your Committees received testimony in support of this measure from the Department of Agriculture; Land Use Research Foundation of Hawaii; Maui Chamber of Commerce; City and County of Honolulu Board of Water Supply; Kalepa Koalition; Saiva Siddhanta Church; East Kauai Water Users' Cooperative; Maui County Farm Bureau; Hawai'i Farm Bureau; Ponooho Ranch, Limited; and two individuals. Your Committees received testimony in opposition to this measure from the Sierra Club of Hawai'i and seven individuals. Your Committees received comments on this measure from the Public Utilities Commission, Department of Commerce and Consumer Affairs Division of Consumer Advocacy, and Office of Hawaiian Affairs.

Your Committees find that there are many non-potable water systems across the State that provide non-potable water for agricultural purposes. There is concern that Public Utilities Commission regulations intended for privately owned utilities may be applied to state-owned agricultural irrigation systems overseen by the State's Commission on Water Resource Management. Your Committees find that this measure clarifies state law in alignment with policies currently followed by the Department of Agriculture and Public Utilities Commission.

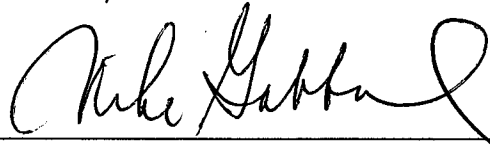
As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1536, H.D. 2, and recommend that it pass Second Reading and be referred to your Committees on Judiciary and Labor and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Commerce,
Consumer Protection, and
Health,



ROSALYN H. BAKER, Chair




MIKE GABBARD, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

| | | | | |
|---|--|---------------------------------------|----------------------------------|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| HB 1536, HD2 | AEN/CPH, JDL/WAM | 3/20/17 | | |
| <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 checked="" type="checkbox"/> Pass, unamended 2312 | <input type="checkbox"/> Pass, with amendments 2311 | <input type="checkbox"/> Hold 2310 | | |
| <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| GABBARD, Mike (C) | X | | | |
| RIVIERE, Gil (VC) | | X | | |
| NISHIHARA, Clarence K. | X | | | |
| RHOADS, Karl | X | | | |
| RUDERMAN, Russell E. | | X | | |
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| TOTAL | 3 | 2 | 0 | 0 |
| 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

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

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| HB 1536 HD2 | AEN/CPH, JDL/WAM | 3/20/17 | | |
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| <input type="checkbox"/> Hold 2310 | | | | |
| <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| BAKER, Rosalyn H. (C) | / | | | |
| NISHIHARA, Clarence K. (VC) | / | | | |
| CHANG, Stanley | | | | ✓ |
| ESPERO, Will | / | | | |
| IHARA, Jr., Les | | / | | |
| KIDANI, Michelle N. | / | | | |
| RUDERMAN, Russell E. | | / | | |
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| TOTAL | 4 | 2 | | 1 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| <i>Clarence K. Nishihara</i> | | | | |
| Distribution: | | | | |
| Original | Yellow | Pink | Goldenrod | |
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