

Honolulu, Hawaii

FEB 15 2017

RE: S.B. No. 1275  
S.D. 1

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 S.B.  
No. 1275 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 include the production, conveyance, transmission, delivery, or furnishing of water for human consumption.

Your Committees received testimony in support of this measure from the Department of Agriculture; Board of Water Supply, City and County of Honolulu; Hawai'i Farm Bureau; East Kauai Water Users' Cooperative; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; Kalepa Koalition; Saiva Siddhanta Church; PonoHolo Ranch, Limited; MauiGrown Coffee, Inc.; and four individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure



from the Department of Commerce and Consumer Affairs Division of Consumer Advocacy and Public Utilities Commission.

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 already 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.

Your Committees have amended this measure by:

- (1) As recommended by the Consumer Advocate:
  - (A) Deleting the proposed addition of "for human consumption" to the definition of "public utility"; and
  - (B) Clarifying that "public utility" excludes any person who controls, operates, or manages plants, facilities, or projects developed pursuant to chapter 167, Hawaii Revised Statutes, for conveying, distributing, and transmitting non-potable or irrigation water; and
- (2) As recommended by the City and County of Honolulu Board of Water Supply, clarifying that exclusions from the definition of "public utility" shall not be construed to apply to any board of water supply managing, controlling, and operating the water works of the county for the purpose of supplying water to the public in the county.

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 S.B. No. 1275, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1275, S.D. 1, 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*

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ROSALYN H. BAKER, Chair

*Mike Gabbard*

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MIKE GABBARD, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

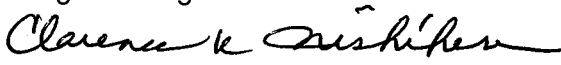
**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1275	AEN/CPH, JDL/WAM	2/10/17		
<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 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
GABBARD, Mike (C)	X			
RIVIERE, Gil (VC)	X			
NISHIHARA, Clarence K.	X			
RHOADS, Karl	X			
RUDERMAN, Russell E.		X		
<b>TOTAL</b>	4	1	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>GP Riviere</i>				
<b>Distribution:</b>				
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**

Bill / Resolution No.:* <b>SB 1275</b>	Committee Referral: <b>AEN/CPH, JDL/WAM</b>	Date: <b>2/10/17</b>		
<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)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
- IHARA, Jr., Les				/
- KIDANI, Michelle N.				/
RUDERMAN, Russell E.		/		
<b>TOTAL</b>	<b>4</b>	<b>1</b>		<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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