

Honolulu, Hawaii

FEB 16 2024

RE: S.B. No. 3326
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Water and Land and Commerce and Consumer Protection, to which was referred S.B. No. 3326 entitled:

"A BILL FOR AN ACT RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES, "

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Define property owner obligations, which, in limited circumstances will authorize Hawaii's utility companies to either trim or remove hazardous vegetation away from transmission utility lines, distribution utility lines, and service drops, even if the hazardous vegetation is located outside an established easement;
- (2) Provide a recovery mechanism to recoup the additional vegetation management costs; and
- (3) Limit liability against Hawaii's utility companies who perform, or who choose not to perform, vegetation management as authorized under this measure.

Your Committees received testimony in support of this measure from Hawaiian Electric and one individual.



Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources and one individual.

Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, and one individual.

Your Committees find that on August 8, 2023, catastrophic wildfires swept through various communities on Maui, impacting human life, housing, education, the economy, the environment, and the health of Maui residents. Your Committees further find that a significant issue regarding fire safety is the presence of grasses, trees, and other vegetation adjacent to or under electric utility lines. Utility companies in Hawaii have miles of utility lines installed throughout the State on private lands, either within or outside established utility easements on public lands, which are often located in the public right of way and mountainous areas of the State. This measure establishes a vegetation management program for utility lines within public rights of way and on all public and private lands to mitigate risks of wildfires.

Your Committees acknowledge concerns raised by the Public Utilities Commission in their testimony that:

- (1) It may not be in the public interest to allow an electric utility company to enter public or private property to remove hazardous vegetation; and
- (2) Utility companies must be held accountable for their actions and decision-making and should not be fully shielded from liability for certain damages to other vegetation and property caused during the utility's removal of hazardous vegetation.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have allowed any utility company to enter private or public property without notice to remove hazardous vegetation;



- (2) Specifying that utility companies shall give forty-eight hours' notice to private and public landowners that hazardous vegetation must be trimmed or removed as soon as feasibly possible;
- (3) Specifying that after trimming or removing the hazardous vegetation, the utility company shall notify the private or public property owner within two days of having taken action rather than fourteen days;
- (4) Specifying that utility companies shall notify private or public property owners by phone or email or if both are unobtainable, by certified mail;
- (5) Inserting language that requires utility companies to report to the Public Utilities Commission on all notices issued to private or public property owners on a schedule determined by the Public Utilities Commission;
- (6) Deleting language that would have granted immunity from liability to any utility company that damaged other vegetation or property while trimming or removing hazardous vegetation on a private or public property owner's land;
- (7) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (8) 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 Water and Land and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3326, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3326, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Commerce and Consumer
Protection,



GARRETT KEOHOKALOLE, Chair




LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB3326	WTL/CPN, WAM/JDC	2/15/24		
<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
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton			✓	
TOTAL	4		1	
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