

Honolulu, Hawaii Feg 19, 2009

RE: H.B. No. 1061 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred H.B. No. 1061 entitled:

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

beg leave to report as follows:

The purpose of this bill is to ensure reliable public utility services by authorizing the Public Utilities Commission (PUC) to appoint a receiver to take such temporary action as is necessary to assure continued water or sewer service in certain situations where PUC finds that a regulated private water or sewer utility is failing or in imminent threat of failing to provide adequate and reasonable service to customers.

This bill also provides an exemption from the Public Procurement Code for the services of the receiver and related outside counsel, consultants, and staff resources.

The Consumer Advocate and PUC testified in support of this bill.

Your Committees question the necessity of exempting receiver services from the Public Procurement Code, in light of existing emergency procurement provisions under section 103D-307, Hawaii Revised Statutes. This issue warrants further consideration as this bill moves forward.



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Accordingly, your Committees have amended this measure by eliminating the Public Procurement Code exemption for the services of the receiver and related outside counsel, consultants, and staff resources. Technical, nonsubstantive amendments were also made for clarity and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1061, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1061, H.D. 1, and be referred to the Committee on Finance.

> Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

JON VIKI KARAMATSU, Chair

ROBERT N. HERKES, Chair



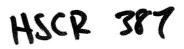
## State of Hawaii House of Representatives The Twenty-fifth Legislature



## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: HB 1061	Committee Referral: CPC/JUD, FIN	Date	Date: 2/9/09			
The committee is reconsidering its previ	ious decision on the measure.	a da da anticipa da antici				
The recommendation is to:       Image: Pass, unamended (as is)       Image: Pass, with amendments (HD)       Image: Hold         Image: Pass short form bill with HD to recommit for future public hearing (recommit)						
CPC Members	Ayes	Ayes (WR)	Nays	Excused		
1. HERKES, Robert N. (C)						
2. WAKAI, Glenn (VC)						
3. BELATTI, Della Au				in the second		
4. CABANILLA, Rida	- Vinton	$\varphi$				
5. CARROLL, Mele	MT J					
6. ITO, Ken		-				
7. KARAMATSU, Jon Riki		1				
8. LUKE, Sylvia						
9. McKELVEY, Angus L.K.						
<ol> <li>MIZUNO, John M.</li> <li>MORITA, Hermina M.</li> </ol>						
12. SOUKI, Joseph M.	ar on Reliant Scholar Path. In Scholar Constant, and					
13. TSUJI, Clift						
14. MARUMOTO, Barbara C.						
15. THIELEN, Cynthia						
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TOTAL (15)	- 10	1	Ø	4		
The recommendation is:       Image: Adopted lif joint referral,						
Vice Chair's or designee's signature:	Stath					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						

State of Hawaii House of Representatives The Twenty-fifth Legislature



## Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral: CPC/JUD, FI	Date	2/9/09	
HB 1061	•	IN O	~[-[]0-[	
□ The committee is reconsidering its prev				
	unamended (as is)	ass, with amendments ommit for future public		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	×			
2. ITO, Ken (VC)	V			
3. BELATTI, Della Au				
4. CABANILLA, Rida	V.			
5. CARROLL, Mele				
6. HERKES, Robert N.				
7. LUKE, Sylvia	V.			
8. McKELVEY, Angus L.K.				~
9. MIZUNO, John M.				
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.		V		
13. TSUJI, Clift	V			
14. WAKAI, Glenn	V			
15. MARUMOTO, Barbara C.	V			
16. THIELEN, Cynthia	V			
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TOTAL (16)	11		0	4
The recommendation is: Add If joint	ppted	did not supp	ort recommendation	<b>۱</b> .
Vice Chair's or designee's signature:	KUL			
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