

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2756
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Commerce and Consumer Protection and
Transportation, International and Intergovernmental Affairs, to
which was referred S.B. No. 2756 entitled:

"A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION
AND UNDERGROUNDING OF UTILITY FACILITIES,"

beg leave to report as follows:

The purpose of this measure is to clarify the cost-sharing
requirements for public utilities and other entities that occupy
state or county rights-of-way for relocating facilities due to
highway development or undergrounding of facilities.

Your Committees received testimony in support of this measure
from the Department of Transportation. Testimony in opposition to
this measure was received from the County of Maui Department of
Environmental Management, Kauai Island Utility Cooperative,
Hawaiian Telcom, Hawaiian Electric Company, Inc., and The Gas
Company. Written testimony presented to the Committees may be
reviewed on the Legislature's website.

Your Committees find that this measure addresses the long-
standing and persistent problems of a lack of clarity in standards
and inconsistent interpretation of the law regarding cost sharing
for construction and maintenance work along public highway rights-
of-way involving multiple public and private interests. Your
Committees find that this measure is necessary because current
policy has resulted in inconsistent application of the law.
Finally, your Committees note the almost universal opposition to



this measure from both public and private stakeholders. Because of these objections, your Committees have amended this measure with language agreed upon by the interested stakeholders.

Your Committees have amended this measure by:

- (1) Adding exceptions to certain requirements for telecommunications carrier utility owners;
- (2) Clarifying that utilities and public highway agencies shall each pay their full cost share thirty days prior to construction;
- (3) Specifying that for projects that exceed an amount agreed upon by all parties, cost share shall be paid in monthly installments instead of in a single upfront payment;
- (4) Specifying that cost share shall be determined by the actual cost of the project and shall be mutually agreed upon by all parties;
- (5) Specifying allocation of federal funding to offset the cost share of each party;
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and accuracy; and
- (7) Changing its effective date to July 1, 2050 in order to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2756, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2756, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Transportation, International
and Intergovernmental Affairs,


J. KALANI ENGLISH, Chair


ROSALYN H. BAKER, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2756</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPN/TIA, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/10/2010</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SAKAMOTO, Norman	✓			
HEMMINGS, Fred	✓			
TOTAL	6			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">David Y. Ige</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

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