

Honolulu, Hawaii February 17, 2017

RE: H.B. No. 1536 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 1536 entitled:

"A BILL FOR AN ACT RELATING TO IRRIGATION,"

begs leave to report as follows:

The purpose of this measure is to:

- 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) Amends the definition of "public utility" to:
  - (A) Narrow its applicability to entities that produce, convey, transmit, deliver, or furnish water for human consumption; and
  - (B) Exclude entities that convey, transmit, and distribute nonpotable water.

The Department of Agriculture, Ponoholo Ranch Limited, East Kauai Water Users' Cooperative, MauiGrown Coffee, Inc., Saiva Siddhanta Church, Hawaii Farm Bureau, Kalepa Koalition, and several individuals testified in support of this measure. Two concerned individuals opposed this measure. The Department of

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Commerce and Consumer Affairs, Public Utilities Commission, Honolulu Board of Water Supply, and Land Use Research Foundation of Hawaii commented on this measure.

Your Committee has amended this measure by:

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- (1) Deleting language that would have limited the scope of "public utility" to water for human consumption; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1536, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1536, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

> Respectfully submitted on behalf of the members of the Committee on Water & Land,

NE, Chair

## State of Hawaii

House of Representatives The Twenty-ninth Legislature Record of Votes of the Committee on Water & Land

| Bill/Resolution No.:  | Committee Referral:<br>WAL, CPC | Date:   | Feb. 8,   | 2017     |
|---|---------------------------------|---|---|----------|
| $\theta$ The committee is reconsidering its previous decision on the measure.   |                                 |   |   |          |
| The recommendation is to: $\theta$ Pass, unamended (as is) $\theta$ Pass, with amendments (HD) $\theta$ Hold $\theta$ Pass short form bill with HD to recommit for future public hearing (recommit) |                                 |   |   |          |
| WAL Members   | Ayes                            | Ayes (WR)   | Nays  | Excused  |
| 1. YAMANE, Ryan I. (C)  |                                 |   |   |          |
|   |                                 |   |   |          |
| 2. KONG, Sam Satoru (VC)  |                                 | the second second second second second second   | ng antination that matching and the second  |          |
|   |                                 |   |   |          |
| 3. CULLEN, Ty J.K.  |                                 |   |   |          |
|   |                                 |   |   |          |
| 4. EVANS, Cindy   |                                 |   |   |          |
| 5. ICHIYAMA, Linda  |                                 |   |   |          |
| 5. ICHIYAMA, Linda  |                                 |   |   |          |
| 6. LEE, Chris   |                                 |   | i de la company de la comp<br>La company de la company de |          |
|   |                                 |   |   |          |
| 7. LOWEN, Nicole E.   |                                 |   | and an an and a state of the second state of the second states of the second states of the second states of the   |          |
|   |                                 |   |   |          |
| 8. SAY, Calvin K.Y.   |                                 | in a second s |   |          |
|   |                                 |   |   |          |
| 9. FUKUMOTO, Beth   |                                 |   |   |          |
|   |                                 |   |   |          |
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| TOTAL (9)   | 9                               |   |   |          |
| The recommendation is: <ul> <li>Adopted</li> <li>If joint referral,</li> <li>did not support recommendation.</li> <li>committee acronym(s)</li> </ul>   |                                 |   |   |          |
| Vice Chair's or designee's signature:   |                                 |   |   |          |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO  |                                 |   |   |          |