



GOV. MSG. NO. 1281

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

HB369 HD1 SD1 CD1

RELATING TO THE PUBLIC UTILITIES
COMMISSION.
ACT 178

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 3 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 369
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 269-19, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) [~~Except as provided in subsection (b), no~~] No public
4 utility shall sell, lease, assign, mortgage, or otherwise
5 dispose of or encumber the whole or any part of its road, line,
6 plant, system, or other property necessary or useful in the
7 performance of its duties to the public, or any franchise or
8 permit, or any right thereunder, nor by any means, directly or
9 indirectly, merge or consolidate with any other public utility
10 without first having secured from the public utilities
11 commission an order authorizing it so to do[-], unless:

12 (1) The sale, lease, assignment, mortgage, disposition,
13 encumbrance, merger, or consolidation is done in
14 accordance with subsection (b);

15 (2) The public utility is disposing a fully depreciated
16 asset or property with a zero net book value; provided
17 that the disposal:



- 1 (A) Is made to an unaffiliated entity; and
- 2 (B) Results in a zero or net reduction to the public
- 3 utility's rate base; or
- 4 (3) The public utility is donating a fully depreciated
- 5 asset or property with zero net book value to a
- 6 charitable or nonprofit organization.

7 Every [~~such~~] sale, lease, assignment, mortgage, disposition,
8 encumbrance, merger, or consolidation[~~7~~] that requires
9 authorization from the public utilities commission under this
10 subsection and is made other than in accordance with the order
11 of the commission shall be void."

12 SECTION 2. Section 271G-14, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) No water carrier shall sell, lease, assign, mortgage,
15 or otherwise dispose of, or encumber the whole or any part of
16 its property necessary or useful in the performance of
17 transportation services for the public or any certificate of
18 public convenience and necessity; nor shall any water carrier,
19 by any means, directly or indirectly, merge or consolidate its
20 property, certificates of public convenience and necessity, or
21 any part thereof, with any other carrier, without first having

1 secured from the public utilities commission an order
2 authorizing it so to do, [~~and every such~~] unless the water
3 carrier is either:

4 (1) Disposing a fully depreciated asset or property with a
5 zero net book value; provided that the disposal:

6 (A) Is made to an unaffiliated entity; and
7 (B) Results in a zero or net reduction to the water
8 carrier's rate base; or

9 (2) Donating a fully depreciated asset or property with
10 zero net book value to a charitable or nonprofit
11 organization.

12 Every sale, lease, assignment, mortgage, disposition,
13 encumbrance, merger, or consolidation[7] that requires
14 authorization from the public utilities commission under this
15 subsection and is made other than in accordance with an order of
16 the commission authorizing the same [~~is~~] shall be void."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 369
H.D. 1
S.D. 1
C.D. 1

APPROVED this **3rd** day of **July**, 2023

A handwritten signature in black ink, appearing to read "Josh Green", with a horizontal line extending to the right.

GOVERNOR OF THE STATE OF HAWAII

HB No. 369, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

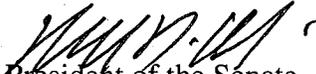


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 2, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate