

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 3001
S.D. 2
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3001, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to clarify the law relating to the administration of funds collected from electric utility customers to support energy-efficiency and demand-side management programs and services (programs and services). Among other things, this bill:

- (1) Renames the funds collected and transferred for the programs and services as the Public Benefits Fee (Fee);
- (2) Clarifies the Public Utility Commission's (PUC's) ability to contract with a third-party Public Benefits Fee Administrator (Administrator) to manage the programs and services;



- (3) Declares that the Fee is not to be considered state or public moneys subject to appropriation by the Legislature or required to be deposited into the state treasury; and
- (4) Allows the State to participate in the programs and services on the same basis as any other electric consumer.

Upon further consideration, your Committee on Conference has amended this measure by:

- (1) Clarifying that the Administrator is contracted by the PUC, not appointed;
- (2) In lieu of the provision exempting the contract to purchase third-party administrative services from the Procurement Code, establishing that the Administrator shall not be deemed to be a "governmental body" as defined in the Procurement Code;
- (3) Changing its effective date to July 1, 2008; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3001, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3001, S.D. 2, H.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



HERMINA MORITA, Co-Chair



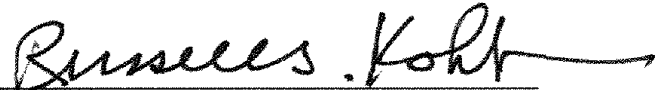
ROBERT N. HERKES, Co-Chair



MELE CARROLL, Co-Chair



RON MENOR, Chair



RUSSELL S. KOKUBUN, Co-Chair



ROSALYN H. BAKER, Co-Chair



