
A BILL FOR AN ACT

RELATING TO WATER RIGHTS.

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

1 SECTION 1. Section 171-58, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Disposition of water rights may be made by lease at
4 public auction as provided in this chapter or by permit for
5 temporary use on a month-to-month basis under those conditions
6 which will best serve the interests of the State and subject to
7 a maximum term of one year and other restrictions under the law;
8 provided that:

9 (1) Where an application has been made for a lease under
10 this section to continue a previously authorized
11 disposition of water rights, a holdover may be
12 authorized annually until the pending application for
13 the disposition of water rights is finally resolved or
14 for a total of [~~three~~] ten consecutive one-year
15 holdovers, whichever occurs sooner; provided that the
16 total period of the holdover for any applicant shall
17 not exceed [~~three~~] ten years; provided further that



1 the holdover is consistent with the public trust
2 doctrine;

3 (2) If a contested case pursuant to chapter 91 is
4 requested on a one-year holdover, any provision of law
5 notwithstanding, the holdover shall be continued
6 without any action of the board pending completion of
7 the proceedings;

8 [~~+2~~] (3) Any disposition by lease shall be subject to
9 disapproval by the legislature by two-thirds vote of
10 either the senate or the house of representatives or
11 by majority vote of both in any regular or special
12 session next following the date of disposition; and

13 [~~+3~~] (4) After a certain land or water use has been
14 authorized by the board subsequent to public hearings
15 and conservation district use application and
16 environmental impact statement approvals, water used
17 in nonpolluting ways, for nonconsumptive purposes
18 because it is returned to the same stream or other
19 body of water from which it was drawn, and essentially
20 not affecting the volume and quality of water or biota
21 in the stream or other body of water, may also be



1 leased by the board with the prior approval of the
2 governor and the prior authorization of the
3 legislature by concurrent resolution."

4 SECTION 2. Act 126, Session Laws of Hawaii 2016, is
5 amended as follows:

6 1. By amending section 2 to read:

7 "SECTION 2. The department of land and natural resources
8 shall prepare and submit an annual [reports] report to the
9 legislature no later than twenty days before the convening of
10 each [~~of the~~] regular [~~sessions~~] session of [~~2017, 2018, 2019,~~
11 ~~and 2020.~~] the legislature for the years 2017-2027. The reports
12 shall include:

- 13 (1) The status of applications to continue previously-
14 authorized dispositions of water rights;
- 15 (2) Actions taken on the applications during the [~~fiscal~~
16 ~~period of July 1, 2016, to November 30, 2016, fiscal~~
17 ~~year 2016-2017, fiscal year 2017-2018, and fiscal year~~
18 ~~2018-2019, respectively;~~] immediately preceding fiscal
19 year; and
- 20 (3) Any relevant recommendations for legislative action or
21 appropriation."



1 2. By amending section 4 to read:

2 "SECTION 4. This Act shall take effect upon its approval,
3 and shall apply to applications for a lease to continue a
4 previously authorized disposition of water rights that are
5 pending before the board of land and natural resources on the
6 effective date of this Act or filed with the board of land and
7 natural resources on or after the effective date of this Act,
8 but prior to June 30, [~~2019,~~] 2026; provided that:

9 (1) This Act shall be repealed on June 30, [~~2019,~~] 2026,
10 and section 171-58(c), Hawaii Revised Statutes, shall
11 be reenacted in the form in which it read on the day
12 prior to the effective date of this Act; and

13 (2) Any holdovers first applied for under this Act prior
14 to June 30, [~~2019,~~] 2026, may be reauthorized, as
15 provided in section 1 of this Act, beyond June 30,
16 [~~2019,~~] 2026."

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 on June 29, 2019.



Report Title:

DLNR; Water Rights; Extension; Holdover

Description:

Allows for ten consecutive one-year holdovers of water permits under section 171-58(c), HRS. Makes conforming amendments to the reporting requirement in Act 126 (2016). Extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026. (HB1326 HD2 PROPOSED)

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