

STAND. COM. REP. NO.

684

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1502

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.B. No. 1502 entitled:

"A BILL FOR AN ACT RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION,"

beg leave to report as follows:

The purpose and intent of this measure is to add the Chairperson of the Hawaiian Homes Commission (Chairperson) or the Chairperson's designee to serve as an ex officio, voting member of the Commission on Water Resource Management (Commission).

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Ho'omanapono Political Action Committee, and Hawaii Farmers Union. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that the State Water Code has not been implemented in a manner that fully satisfies section 174C-101(a), Hawaii Revised Statutes, which requires decisions of the Commission relating to the planning for, regulation, management, and conservation of water resources in the State to incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian homelands as set forth in section 221 of the Hawaiian Homes Commission Act.



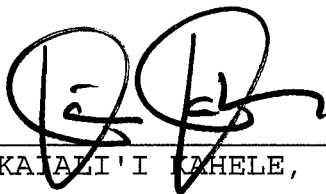
Your Committees find that by adding the Chairperson to the Commission, this measure will help ensure adequate reserves of water for current and future development of Hawaiian homelands.

However, your Committees have also heard concerns by testifiers on this measure. The Department of Land and Natural Resources raises two salient concerns in its testimony. First, adding a member to the Commission specifically to protect the interests of the Department of Hawaiian Home Lands could create the perception that the other members of the Commission have no obligation to consider the rights of Hawaiian homelands although it is the constitutional and statutory responsibility of all Commission members to protect and preserve the rights of the Department of Hawaiian Home Lands. The second concern is that including the Chairperson on the Commission will present the Chairperson with conflicts of interest since the Department of Hawaiian Home Lands is often a party before the Commission and the Chairperson has a duty to Hawaiian homelands beneficiaries, whereas the Commission has a duty to the general public.

While the Department of Land and Natural Resources' concerns are noted, your Committees find that this measure will allow for greater advocacy for Hawaiian Homes Commission Act beneficiaries in water management throughout the State.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1502 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water and Land,



KATALI'I KAHELE, Chair




MAILE S.L. SHIMABUKURO, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

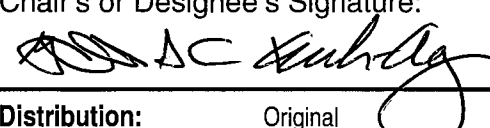
Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* <i>SB 1502</i>	Committee Referral: <i>HWN/WTL</i>	Date: <i>2/7/19</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	<i>X</i>			
KAHELE, Kaiali'i (VC)	<i>X</i>			
IHARA, Jr., Les	<i>X</i>			
KEOHOKALOPE, Jarrett	<i>X</i>			
FEVELLA, Kurt				<i>X</i>
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB1502	Committee Referral: HWN/WTL	Date: 2/17/2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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