STAND. COM. REP. NO. 615 -22

, 2022

Honolulu, Hawaii

MAR 03

H.B. No. 1768 RE:

H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1768, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE DISPOSITION OF WATER RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to exempt the instream use of water for traditional and customary kalo cultivation practices, as well as for commercial kalo cultivation that is conducted in a manner consistent with traditional and customary Native Hawaiian practices, from the existing process for disposition of water rights.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Hawaiian Home Lands, Mayor of the County of Kauai, one member of the Hawai'i County Council, one member of the Kaua'i County Council, Department of Planning of the County of Kaua'i, Sierra Club of Hawai'i, Kua'āina Ulu 'Auamo, Wai'oli Valley Taro Hui, 'Ahahui o nā Kauka, Hawai'i Alliance for Progressive Action, Waipā Foundation, Hui o Nā Wai 'Ehā, Hanalei Hawaiian Civic Club, Papa Ola Lōkahi, 'Ai Pohaku, Kanaeokana, Council for Native Hawaiian Advancement, and eighteen individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that kalo is integral to the Hawaiian culture and a staple of the Native Hawaiian diet. Water and water rights are central to wetland kalo cultivation. This measure provides support for traditional and customary kalo cultivation practices by exempting the instream use of water for these practices from the existing process for disposition of water rights.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1768, H.D. 2, and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

State of Hawaii House of Representatives The Thirty-first Legislature

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB176K, HD2	Committee Referral:	JHA Date:	2-23-	22
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
2. MATAYOSHI, Scot Z. (VC)				
3. ICHIYAMA, Linda				
J. Temrama, Linua				
4. KOBAYASHI, Dale T.				
5. LoPRESTI, Matthew S.				
6. LOWEN, Nicole E.				
7. McKELVEY, Angus L.K.				
7. Mercel VET, Angus E.K.				
8. NAKAMURA, Nadine K.				
9. TAKUMI, Roy M.				
10. TOKIOKA, James Kunane				
11. WARD, Gene				
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TOTAL (11)	11	8	8	8
The recommendation is: Adopted Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				