

STAND. COM. REP. NO. 432

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 1122
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 1122 entitled:

"A BILL FOR AN ACT RELATING TO THE COUNTY BOARDS OF WATER
SUPPLY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify requirements on the county boards of water supply to ensure adequate water supplies to residents of Hawaiian home lands; and
- (2) Add representation on the county boards of water supply of the interests to be served by the allocation of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Board of Water Supply, County of Hawaii Department of Water Supply, and County of Maui Department of Water Supply. Your Committee received comments on this measure from the Department of Land and Natural Resources.



Your Committee finds that the lack of available water has been and remains a significant barrier to the State's ability to develop projects on Hawaiian home lands. The Department of Hawaiian Home Lands has worked in conjunction with the Department of Land and Natural Resources' Commission on Water Resource Management to set groundwater and surface water reservations for Hawaiian Homes projects on each island with lands set aside for homesteading purposes. Nevertheless, some county boards or departments of water supply have no administrative rules or policies for differentiating and prioritizing the development and provision of water for Hawaiian Homes projects when compared to other state or private projects, thereby not accounting for the trust obligations that the Department of Hawaiian Home Lands holds for its beneficiaries.

Your Committee has also heard testifiers' concerns that this measure seeks to usurp "home rule" guarantees. Article VIII, section 2, of the Hawaii State Constitution provides for each political subdivision to have the power to frame and adopt a charter for its own self-governance. Under section 54-12, Hawaii Revised Statutes, the Mayor of each county shall, with the advice and consent of the council, nominate the members of the county board of water supply stipulating the makeup of the members of the board. Additionally, this measure disregards pre-existing legal protections and systems regarding water use and allocation and is unnecessary because water for the Department of Hawaiian Home Lands is already comprehensively planned and being implemented. Further, a significant burden of the county boards and departments of water supply will be detrimental to our ability to provide a vital and essential service to the counties. Your Committee finds that this issue raises concerns that merit further consideration and requests that your Committee on Judiciary consider this as this measure proceeds.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1122, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 1122, S.D. 1, and
be referred to your Committee on Judiciary.

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



MAILE S.L. SHIMABUKURO, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1122	HWN,JDC	2/16/2021		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	X			
KEOHOKALOLE, Jarrett (VC)	X			
ACASIO, Laura	X			
IHARA, Jr., Les		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				

*Only one measure per Record of Votes