

STAND. COM. REP. NO. 1921-22

Honolulu, Hawaii

APR 08 , 2022

RE: S.B. No. 872
S.D. 1
H.D. 1

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 S.B. No. 872, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT,"

begs leave to report as follows:

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

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Environmental Caucus of the Democratic Party of Hawai'i, Kekaha Hawaiian Homestead Association, Kahikinui Hawaiian Homestead Association, Pele Lani Farm LLC, Hawai'i Alliance for Progressive Action, and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and Hawaii State Aha Moku.

Your Committee finds that the Commission on Water Resource Management already includes representation on Native Hawaiian water rights generally. At least one member of the Commission on Water Resource Management must have substantial experience or

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expertise in traditional Hawaiian water resource management techniques and traditional Hawaiian riparian usage such as those preserved by section 174C-101, Hawaii Revised Statutes, which provides for Native Hawaiian water rights. Furthermore, all members are required to attend the Office of Hawaiian Affairs mandatory training on Native Hawaiian and Hawaiian traditional and customary rights, natural resources and access rights, and the public trust doctrine pursuant to sections 10-41 and 10-42, Hawaii Revised Statutes.

However, your Committee recognizes that the Department of Hawaiian Home Lands has a specific interest in advocating for the protection of adequate reserves of water for current and foreseeable development and use of Hawaiian home lands. Rather than including the Chairperson of the Hawaiian Homes Commission, or the Chairperson's designee, on the Commission on Water Resource Management as a voting member, which will give the Commission an even number of members for decision making purposes and may lead to issues regarding conflicts of interest, your Committee believes that the Chairperson of the Hawaiian Homes Commission, or the Chairperson's designee, should be a nonvoting member.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that all ex officio members of the Commission on Water Resource Management are excluded from the requirement that each member have substantial experience in the area of water resource management;
- (2) Designating the Chairperson of the Hawaiian Homes Commission, or the Chairperson's designee, as a nonvoting member of the Commission on Water Resource Management, rather than a voting member; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 872, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 872, S.D. 1, H.D. 1.



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



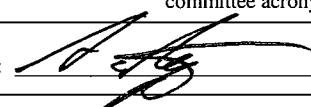
MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 972, SD1	Committee Referral: WAL, JHA	Date: 3-29-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> 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	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.		✓		
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene			✓	
TOTAL (11)	9	1	1	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				