

STAND. COM. REP. NO. **3052**

Honolulu, Hawaii

MAR 0 1 2024

RE: S.B. No. 3327
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred S.B. No. 3327, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to provide greater protection for the State's waters.

Specifically, this measure:

- (1) Establishes a public trust purpose for the Commission on Water Resource Management;
- (2) Allows the Commission on Water Resource Management to retain independent legal counsel;
- (3) Repeals the position of Deputy to the Chairperson of the Commission on Water Resource Management, and establishes the position of Executive Director of the Commission on Water Resource Management;
- (4) Provides for the Commission on Water Resource Management to be attached to the Department of Land and Natural Resources for administrative purposes only;



- (5) Amends the structure of the Commission on Water Resource Management;
- (6) Authorizes entities to challenge an emergency order of the Commission on Water Resource Management under certain conditions; and
- (7) Amends the penalties that the Commission on Water Resource Management may impose to enforce its rules and orders.

Your Committees received written comments in support of this measure from the Department of Hawaiian Home Lands, Honolulu Board of Water Supply, Sierra Club of Hawai`i, Na Kia`i Kai, Koolau Foundation, Haumana o Ke Kula Kaiapuni `O Kekaulike, Lahaina Strong, Native Hawaiian Legal Corporation, Free Access Coalition, `Ahahui o Hawai`i, Keaukaha Community Association, Hawaii Alliance for Progressive Action, Kupuna for the Moopuna, Clean the Pacific, Earthjustice, Shimanchu Wai Protectors, Council for Native Hawaiian Advancement, E Ola Kakou Hawaii, Save Honolulu Coalition, Oahu Water Protectors, and more than one hundred individuals.

Your Committees received written comments in opposition to this measure from the Department of Land and Natural Resources and one individual.

Your Committees received written comments on this measure from the Department of the Attorney General.

Your Committees find that this measure will provide greater accountability and protection of the State's waters by clarifying the Commission on Water Resource Management's purpose and reforming the Commission's leadership structure and board composition.

Your Committees note the testimony of the Department of Land and Natural Resources, which requested certain amendments relating to the enforcement mechanisms available to the Commission on Water Resource Management, including:

- (1) Additional language to section 174C-15, Hawaii Revised Statutes, that establishes a presumption that a violator's economic and financial condition allow for



the payment of the penalty, and places the burden of proof to the contrary on the violator; and

(2) A recommended maximum fine of \$25,000.

Your Committees respectfully ask that these requested amendments be considered as this measure moves forward in the legislative process.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3327, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,



KARL RHOADS, Chair



DONOVAN M. DELA CRUZ, Chair



