

STAND. COM. REP. NO. 3193

Honolulu, Hawaii

APR 05 2024

RE: H.B. No. 2690
H.D. 2
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 H.B. No. 2690, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WATER,"

beg leave to report as follows:

The purpose and intent of this measure is to make changes to the management structure, responsibilities, and funding of the Commission on Water Resource Management to support the State's water management and water remediation efforts.

More specifically, part I of the measure:

- (1) Establishes the position of Red Hill Water Alliance Initiative (WAI) Policy Coordinator within the Office of the Executive Director of the Commission on Water Resource Management (Commission);
- (2) Establishes a Red Hill Remediation Special Fund to be administered by the WAI Policy Coordinator;
- (3) Establishes and appropriates moneys for positions within the Office of the Chairperson of the Board of Land and Natural Resources for purposes of WAI policy coordination; and



- (4) Appropriates moneys for ecosystem monitoring by the Department of Land and Natural Resources of the area surrounding the Red Hill Bulk Fuel Storage Facility.

Part II of the measure:

- (1) Authorizes the Commission to retain independent legal counsel;
- (2) Authorizes the Commission to declare a water emergency in certain circumstances;
- (3) Repeals the position of Deputy for Water Resource Management and replaces it with the position of Executive Director of the Commission on Water Resource Management;
- (4) Clarifies that the Commission is attached to the Department of Land and Natural Resources for administrative purposes only;
- (5) Requires the nominating committee for the Commission to include one person appointed by the Chief Executive Officer of the Office of Hawaiian Affairs;
- (6) Authorizes affected parties to challenge an emergency order of the Commission;
- (7) Establishes fines for certain water use offenses and violations of the Commission's orders; and
- (8) Clarifies the Commission's authority to declare a water shortage and the requirements for providing public notice of the declared water shortage.

Your Committees received written comments in support of this measure from the Office of Hawaiian Affairs; University of Hawaii; Board of Water Supply; Koolau Foundation; Kupuna for the Moopuna; Hoakamana; Free Access Coalition; Lahaina Strong; Hui O Na Wai Eha; Jewish Voice for Peace - Hawaii; Recycle Hawaii, Clean the Pacific; Green Party of Hawaii; Save Honolulu Coalition; Native Hawaiian Legal Corporation; Ke Kula Kaiapuni o Kekaulike; Ahahui o Hawaii; Na Kiai Kai; Koolaupoko Hawaiian Civic Club; Hawaii



Alliance for Progressive Action; Council for Native Hawaiian Advancement; Hawaii Government Employees Association; Sierra Club; Tagnawa for Maui; Sierra Club of Hawaii; Democratic Party of Hawaii; ACLU of Hawaii; Kaneohe Bay Regional Council; New Earth Flow; Help Maui Rise; and numerous individuals.

Your Committees received written comments in opposition to this measure from the Department of Land and Natural Resources, Attorney General, and two individuals.

Your Committees received written comments on this measure from the Department of Budget and Finance and two individuals.

Your Committees find that the changes made by this measure to the management, responsibilities, and funding of the Commission on Water Resource Management will help ensure comprehensive, coordinated, and complete remediation of the water contamination linked to the Red Hill Bulk Fuel Facility. Your Committees also find that these changes will improve the Commission's ability to oversee the State's water resource management and to address water shortages and water emergencies.

Your Committees note that the Department of Land and Natural Resources, in its written comments, requested the following amendments to the measure:

- (1) Placing the position of WAI Policy Coordinator within the Office of the Chairperson of the Board of Land and Natural Resources, rather than within the Office of the Executive Director of the Commission;
- (2) Deleting section 12 of the measure;
- (3) Adding language to section 174C-15(c), Hawaii Revised Statutes, establishing a presumption that a violator's economic and financial conditions allow the payment of the statutory penalty and placing the burden of proof to the contrary on the offender; and
- (4) Adding a provision to repeal subsection (g) of section 174C-62, Hawaii Revised Statutes.

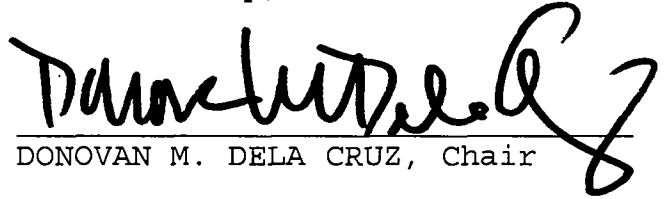


As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2690, H.D. 2, S.D. 1, and recommend that it pass Third Reading.

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



KARL RHOADS, Chair



DONOVAN M. DELA CRUZ, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2690 HD2SD1	WTL/AEN, WAM/JDC	4-5-24		
<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
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
HASHIMOTO, Troy N.	X			
INOUE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.				X
KIM, Donna Mercado	X			
LEE, Chris	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt				X
TOTAL	11	0	0	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

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2690 HD2 SD1	WTL AEN, WAM JDC	04 05 24

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
ELEFANTE, Brandon J.C.		✓		
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
TOTAL	2	1	0	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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