

Honolulu, Hawaii
MAR 15, 2024

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Water & Land, 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,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Define the public trust purposes of the Commission on Water Resource Management and require the Commission, in acting upon water use permit applications, to prioritize applications for public trust purposes;
- (2) Allow the Commission to retain independent legal counsel;
- (3) Repeal the position of Deputy to the Chairperson of the Commission and establish the position of Executive Director of the Commission;
- (4) Amend the composition of the Commission and administratively attach it to the Department of Land and Natural Resources;



- (5) Authorize entities to challenge an emergency order of the Commission under certain conditions;
- (6) Establish fines for certain water use offenses; and
- (7) Amend the Commission's authority to declare water shortages and related notice requirements.

Your Committee received testimony in support of this measure from the Honolulu Board of Water Supply; Kāneʻohe Bay Regional Council; Hawaiʻi Reef and Ocean Coalition; Protect Kahoʻolawe ʻOhana; Green Party of Hawaiʻi; Sierra Club of Hawaiʻi; Nā Alakaʻi o ka ʻAhahui o Hawaiʻi; Koʻolaupoko Hawaiian Civic Club; Free Access Coalition; Nā Kiaʻi Kai; Save Honolulu Coalition; Aloha Lokahi Association; Lāhainā Strong; Council for Native Hawaiian Advancement; Native Hawaiian Legal Corporation; Haumana o Ke Kula Kaiapuni ʻO Kekaulike; Hui o Nā Wai ʻEhā; Earthjustice; Hawaiʻi Farmers Union United; Hui Hoomalu i ka Aina; Hawaiʻi Alliance for Progressive Action; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources; County of Kauaʻi Department of Water; and County of Hawaiʻi Department of Water Supply.

Your Committee finds that this measure would better enable the members and staff of the Commission on Water Resource Management to implement the State Water Code in the public interest.

Your Committee has amended this measure by:

- (1) Adding provisions to allow the Commission on Water Resource Management to declare an emergency under certain circumstances, issue orders reciting the existence of the emergency, and require actions deemed necessary by the Commission to address the emergency;
- (2) Changing its effective date to July 1, 3000, to encourage further discussion; 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 Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3327, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3327, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,


FOR LINDA ICHIYAMA, Chair



Record of Votes of the Committee on Water & Land

Bill/Resolution No.: <i>SB3327 (D1)</i>	Committee Referral: <i>WAL, JHA, FIN</i>	Date: <i>3/12/24</i>		
<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)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. ICHIYAMA, Linda (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. CHUN, Cory M.	✓			
4. GANADEN, Sonny	✓			
5. HASHEM, Mark J.				✓
6. MIZUNO, May Besario	✓			
7. MORIKAWA, Dee	✓			
8. TAKAYAMA, Gregg	✓			
9. SOUZA, Kanani	✓			
TOTAL (9)	<i>9</i>	<i>0</i>	<i>0</i>	<i>1</i>
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: <i>Rinde Schizne</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				