

STAND. COM. REP. NO.

2252

Honolulu, Hawaii

FEB 12 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 Water and Land and Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 3327 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:

- (1) Define public trust purposes of the Commission on Water Resource Management;
- (2) Amend the scope of the Commission on Water Resource Management to include declaration of emergencies;
- (3) Repeal the position of First Deputy to the Chairperson of the Commission on Water Resource Management and establish the Executive Director of the Commission on Water Resource Management;
- (4) Amend the composition of the Commission on Water Resource Management;
- (5) Authorize entities to challenge an emergency order of the Commission on Water Resource Management under certain conditions;



- (6) Establish fines for certain water use offenses; and
- (7) Appropriate funds.

Your Committees received testimony in support of this measure from Lāhainā Strong; Sierra Club of Hawai‘i; La‘i Hauola; Protect Kaho‘olawe ‘Ohana; Operating Engineers Local Union No. 3; Native Hawaiian Legal Corporation; Hui o Kuapa; Nā Alaka‘i o Ahahui o Hawai‘i; Hui o Nā Wai ‘Ehā; Council for Native Hawaiian Advancement; Hawai‘i Alliance for Progressive Action; Nā Kia‘i Kai; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Ko‘olau Foundation; Kupuna for the Mo‘opuna; and one hundred twenty-five individuals.

Your Committees received testimony in opposition to this measure from the Department of the Attorney General, Honolulu Board of Water Supply, and Restore the Commons.

Your Committees received comments on this measure from the Department of Land and Natural Resources, Hawai‘i County Department of Water Supply, Kaua‘i County Department of Water, and one individual.

Your Committees find that effective and efficient water resource management requires continuous and experienced leadership, especially given the climate crisis and urgent need to properly steward water resources to meet the affordable housing needs of local residents. On December 28, 1994, the review commission on the State Water Code submitted its final report pursuant to Act 45, Session Laws of Hawaii 1987, and determined that amendments to the State Water Code were necessary to enable the Commission on Water Resource Management to more effectively carry out its mandate pursuant to article XI, section 7, of the Hawaii State Constitution. This measure will clarify the purpose of the Commission on Water Resource Management and modify its leadership structure and composition of its board, which will provide greater accountability and protection of the State's waters.

Your Committees have amended this measure by:

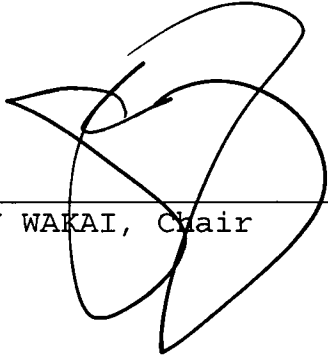


- (1) Amending the definition of "public trust purpose" to reference articles XI and XII of the Hawaii State Constitution rather than the Hawaii Supreme Court;
- (2) Deleting language that would have allowed the Commission on Water Resource Management to declare an emergency and issue orders reciting the existence of an emergency;
- (3) Restoring the repeal of subsection 174C-62(g), Hawaii Revised Statutes, which allows the Commission on Water Resource Management to issue orders reciting the existence of an emergency;
- (4) Deleting language that would have appropriated funds for the Department of Land and Natural Resources to hire independent legal counsel;
- (5) Amending section 1 to reflect its amended purpose;
- (6) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3327, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3327, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Public Safety and  
Intergovernmental and Military  
Affairs,



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GLENN WAKAI, Chair



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LORRAINE R. INOUE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

Record of Votes  
 Committee on Water and Land  
 WTL

Bill / Resolution No.:* <b>SB 3327</b>	Committee Referral: <b>WTL/PSM, WAM/JDC</b>	Date: <b>02/07/2024</b>
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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
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>

Recommendation:    
 Adopted    
 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 Public Safety and Intergovernmental and Military Affairs  
PSM

Bill / Resolution No.:* <b>SB3327</b>	Committee Referral: <b>WT/PSM, WAM/JDC</b>	Date: <b>2/7/24</b>		
<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
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
RHOADS, Karl	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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