

STAND. COM. REP. NO. **1865**

Honolulu, Hawaii  
, 2023

**MAR 31**

RE: S.B. No. 735  
S.D. 1  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 735, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DISPOSITION OF WATER RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to exempt the lease of water for commercial kalo cultivation from the public auction requirement for the disposition of water rights.

Your Committee received testimony in support of this measure from the Hawaii Food+ Policy, Kua'āina Ulu 'Auamo, Hawai'i Farmers Union United, and four individuals. Your Committee received comments on this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Earthjustice, Council for Native Hawaiian Advancement, and one individual.

Your Committee finds that the existing water leasing process can be burdensome for certain applicants, including kalo cultivators. However, your Committee does not want traditional and customary kalo cultivation practices to be undermined by commercial interests that may stifle the advancement of Native Hawaiian culture.

2023-3057 SB735 HD2 HSCR HMSO



Accordingly, your Committee has amended this measure by:

- (1) Exempting the instream use of water for commercial kalo cultivation conducted in a manner consistent with traditional and customary Native Hawaiian practices and on traditional kalo lands from the existing process for the disposition of water rights;
- (2) Deleting language that would have exempted the lease of water for commercial kalo cultivation from the public auction requirement for the disposition of water rights; 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. 735, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 735, S.D. 1, H.D. 2.

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



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DAVID A. TARNAS, Chair



