

Honolulu, Hawaii

FEB 14 , 2024

RE: H.B. No. 2703
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 H.B. No. 2703 entitled:

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

begs leave to report as follows:

The purpose of this measure is to improve the administration and operations of the Commission on Water Resource Management by:

- (1) Replacing the position of Deputy to the Chairperson of the Commission on Water Resource Management with the position of Executive Officer, to be appointed and managed by the Commission;
- (2) Authorizing the Commission on Water Resource Management to retain independent legal counsel;
- (3) Making the Chairperson of the Board of Land and Natural Resources an ex officio member of the Commission on Water Resource Management and providing that the Commission must elect a chairperson from among its non ex officio members; and
- (4) Requiring the Commission on Water Resource Management and Department of Land and Natural Resources to



establish procedures and safeguards to avoid conflicts of interest.

Your Committee received testimony in support of this measure from the Sierra Club of Hawai'i; Hui o Nā Wai 'Ehā; Council for Native Hawaiian Advancement; Native Hawaiian Legal Corporation; Protect Kaho'olawe 'Ohana; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General. Your Committee received comments on this measure from the Department of Land and Natural Resources.

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) Clarifying that the Executive Officer of the Commission on Water Resource Management shall be appointed by and serve at the pleasure of the Commission;
- (2) Requiring the Commission on Water Resource Management to develop and document annual goals and performance measures for the Executive Officer that authorize the Commission to annually evaluate the Executive Officer's work to ensure compliance by the Commission with statutory and constitutional requirements and achievement of its statutory and constitutional purposes;
- (3) Requiring the Commission on Water Resource Management to evaluate and document the evaluation of the Executive Officer's performance annually, or more frequently upon the request of at least four members of the Commission, based on annual goals, performance measures, and other relevant criteria;
- (4) Changing its effective date to June 29, 3000, to encourage further discussion; and
- (5) 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 H.B. No. 2703, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2703, 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,

Linda Ichiyama
FOR _____
LINDA ICHIYAMA, Chair



Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB2703	Committee Referral: WALJHA	Date: 02/08/24		
<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)	7	1		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				