

Honolulu, Hawaii

**FEB 12 2025**

RE: S.B. No. 3

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committees on Water and Land and Public Safety and  
Military Affairs, to which was referred S.B. No. 3 entitled:

"A BILL FOR AN ACT RELATING TO WATER,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Commission on Water Resource Management (Commission) to retain independent legal counsel;
- (2) Amend the powers and duties of the Commission regarding the declaration of emergencies;
- (3) Specify that the Commission shall be responsible for the management of groundwater near the Red Hill Bulk Fuel Storage Facility;
- (4) Repeal the position of First Deputy to the Chairperson of Commission and establish the position of Executive Director of Commission;
- (5) Amend the composition of the Commission, administratively attach it to the Department of Land and Natural Resources, and include OHA as a member of the nominating committee for the Commission;



- (6) Authorize entities to challenge an emergency order of the Commission under certain conditions;
- (7) Establish fines for certain water use offenses; and
- (8) Transfer all rights, powers, functions, and duties of the Department of Land and Natural Resources relating to water resource management to the Commission.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Honolulu Board of Water Supply, Sierra Club of Hawai'i, Ulupono Initiative, Environmental Caucus of the Democratic Party of Hawai'i, Earthjustice, 'Ahahui o Hawai'i, Nā Kia'i Kai, Pō'ai Wai Ola, Restore the Commons, and three individuals.

Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that the protection and preservation of the State's fresh water resources is of paramount importance. Your Committees note that the State also has unique public trust responsibilities set forth in the Hawaii State Constitution to preserve and protect public trust resources, including water resources. Your Committees further find that continuous and experienced leadership is necessary for the Commission to administer and implement the State Water Code. To this end, this measure will ensure comprehensive and coordinated protection of the State's waters by reforming the structure of the Commission and establishing the position of Executive Director of the Commission, authorizing the Commission to retain independent legal counsel, and clarifying the Commission's authority to declare water emergencies.

Your Committees have amended this measure by:

- (1) Inserting language to specify the public trust purposes of the Commission;
- (2) Inserting a definition of "public trust purpose";



- (3) Deleting language that would have authorized the Commission to declare an emergency and issue orders reciting the existence of an emergency;
- (4) Deleting language that would have specified that the Commission would be responsible for the management of groundwater near the Red Hill Bulk Fuel Storage Facility;
- (5) Deleting language that would have included an individual appointed by the Chief Executive Officer of the Office of Hawaiian Affairs on the nominating committee for the Commission;
- (6) Restoring language in existing law that authorizes the Commission to issue orders reciting the existence of an emergency;
- (7) Deleting language that would have transferred all rights, powers, functions, and duties of the Department of Land and Natural Resources to the Commission;
- (8) Amending section 1 to reflect its amended purpose;
- (9) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (10) 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 Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



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

  
\_\_\_\_\_  
BRANDON J.C. ELEFANTE, Chair

  
\_\_\_\_\_  
LORRAINE R. INOUE, Chair



**Record of Votes**  
**Committee on Water and Land**  
**WTL**

\*Only one measure per Record of Votes

The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 3</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WTL/PSM, JDC/WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-3-25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ELEFANTE, Brandon J.C. (C)	✓			
WAKAI, Glenn (VC)	✓			
FUKUNAGA, Carol				✓
RHOADS, Karl				✓
DECORTE, Samantha	✓			
<b>TOTAL</b>	3	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes