Honolulu, Hawaii

APR 28

, 2022

RE:

H.B. No. 1768

H.D. 2 S.D. 2

C.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1768, H.D. 2, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Exempt the instream use of water for traditional and customary kalo cultivation practices from the existing process for disposition of water rights;
- (2) Clarify that the powers and duties of the Commission on Water Resource Management to determine appurtenant water rights include the specification of the water course or the means of access and delivery entitled to by that right;

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- (3) Clarify that nothing in chapter 174C, part IV, Hawaii Revised Statutes, relating to the regulation of water use, shall be construed to deny the exercise of an appurtenant right, including access by the holder to conduct activities necessary to assure the use, delivery, and quality of water, that shall not be unreasonably withheld; and
- (4) Clarify that the appurtenant water rights of kuleana and taro lands include access by the holder to conduct activities necessary to assure the use, delivery, and quality of water, that shall not be unreasonably withheld.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1768, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1768, H.D. 2, S.D. 2, C.D. 1.

> Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

MIKE GABBARD

TADRA ACASTO

Co-Chair

Co-Chair

MARK J. HASHEM

DAVID A.

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Hawaii State Legislature

Record of Votes of a Conference Committee

CCR 11-22

Bill / Concurrent Resolution No.: HB 1768, HD 2, SD 2					Date/Time: 4-28-22 9:50				
The recommendation of the Hor	use and S	Senate	mana	gers i					
☐ The Committee is reconsidering									
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure				The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.					
Senate Managers	A	/WR	N	Е	House Managers	A	WR	N	Е
INOUYE, Lorraine R., Chr.	$\overline{}$,	HASHEM, Mark J., Co-Chr.				
GABBARD, Mike, Co-Chr.			,	\checkmark	TARNAS, David A., Co-Chr.	\vee			
ACASIO, Laura, Co-Chr.	•				NAKASHIMA, Mark M., Co-Chr.	$\overline{}$,		
FEVELLA, Kurt	1.	$\overline{\ }$			BRANCO, Patrick Pihana		,		
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Senate Recommendation is:		,			House Recommendation is:				
Adopted Not Adopted					Adopted Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
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