

STAND. COM. REP. NO. 1828

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1088  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1088, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DECLARATION OF WATER SHORTAGE AND EMERGENCY,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the conditions, manner, and areas in which the Commission on Water Resource Management of the Department of Land and Natural Resources can declare water shortages and emergencies.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from the Honolulu Board of Water Supply. Your Committee received comments on this measure from the Department of Water of the County of Kaua'i and Department of Water Supply of the County of Hawai'i.

Your Committee finds that, currently, water shortage plans have only been developed in water management areas. These plans establish criteria for declaring water shortages and actions that must be undertaken by water use permit holders to protect the health of ground and surface water resources for as long as water shortage conditions exist. This measure will require water shortage plans to be developed statewide and provide clarity that



the Commission on Water Resource Management has the authority to declare water shortages in any area, within and outside of a water management area.

Your Committee has amended this measure by:

- (1) Adding language that authorizes the Commission on Water Resource Management to declare an emergency if it determines, in consultation with the appropriate county and the Department of Health, that there is an absence of sufficient quantity and quality of water in any area, whether within or outside of a water management area, that threatens the public health, safety, and welfare;
- (2) Adding language that authorizes the Commission on Water Resource Management to issue orders reciting the existence of the emergency and requiring such actions as the Commission on Water Resource Management deems necessary to address the emergency be taken, including but not limited to apportioning, rotating, limiting, or prohibiting the use of the water resources of the area;
- (3) Adding language that allows any party to whom an emergency order is directed to challenge that order but require that they must immediately comply with the order pending disposition of the party's challenge;
- (4) Adding language that requires the Commission on Water Resource Management to give precedence to a hearing on the challenge over all other pending matters;
- (5) Repealing subsection (g) of section 174C-62, Hawaii Revised Statutes; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1088, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1088, H.D. 1, S.D. 1.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



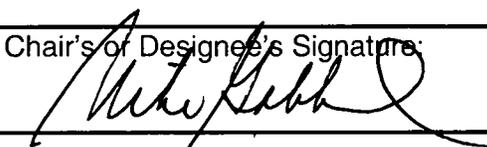
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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>HB 1088 HD1</b>	Committee Referral: <b>WTL, JDC</b>	Date: <b>4/5/23</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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)		✓		
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.			✓	✓
AWA, Brenton			✓	
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes