

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1386  
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 S.B.  
No. 1386, S.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:

- (1) Clarify the conditions, manner, and areas in which the Commission on Water Resource Management (Commission) of the Department of Land and Natural Resources can declare water shortages and issue emergency orders;
- (2) Require the water shortage plan developed by the Commission to be statewide;
- (3) Allow the Commission to impose restrictions on well and stream diversion owners that are outside of water management areas; and
- (4) Clarify the Commission's authority to modify, suspend, or revoke water use permits in the case of a long-term or permanent reduction of the available water source due to a water shortage or emergency.



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 one individual. Your Committee received comments on this measure from the Honolulu Board of Water Supply.

Your Committee finds that recent emergencies, including wild fires and the Red Hill crisis, demonstrate that the existing State Water Code did not envision water shortages due to an immediate degradation of water quality. This measure would allow the Commission on Water Resource Management to react to crises in a swift and comprehensive manner to protect public trust resources without suspending sections of the State Water Code.

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 S.B. No. 1386, S.D. 1, and recommends that it pass Third Reading.

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>SB 1386 SD1</b>	Committee Referral: <b>WTL, JDC</b>	Date: <b>3/2/23</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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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>4</b>	<b>—</b>	<b>—</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