

STAND. COM. REP. NO. 376

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, Ulu pono 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



