WHEREAS, the United States Geological Survey reports that fresh ground-water withdrawals on the island of Hawaii during 1995 were about 109 million gallons per day; and

WHEREAS, withdrawals for public supply in 1995 were about 23 million gallons per day, withdrawals for agricultural use were about 13 million gallons per day, and withdrawals for domestic and commercial uses were about 6 million gallons per day; and

WHEREAS, $6 million was allocated to build a water system in or around the Ocean View-Kahuku area on the island of Hawaii; and

WHEREAS, the money was released to Mayor Harry Kim’s administration and then from the Office of the Mayor to the County of Hawaii Department of Water Supply (DWS) which employed SSFM International to engage in planning and construction of the project and to conduct the required environmental assessment (EA), which has since been approved; and

WHEREAS, an extended delay ensued after the EA was approved concerning appropriate tanks needed for the project, location of the fill outlets and generally, the timeline for the completion of the project; and

WHEREAS, DWS then contracted with Bolton Inc. to complete the system, however, reports have come forward that Bolton Inc. has faced some legal action regarding past projects it has been contracted to work on and may have also altered the water system project's size; and
WHEREAS, the community that is depending on the completion of this project is questioning the status of the money and the project; and

WHEREAS, there have been severe roadblocks encountered by those persons seeking information on the status and handling of the Ocean View-Kahuku water system construction project; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that:

(1) The House of Representatives hereby establishes a special investigative committee to investigate the status and handling of the Ocean View-Kahuku water system construction project on the island of Hawaii;

(2) The chairperson of the investigative committee shall be the Representative of the fifth District and the Vice-chairperson shall be the Representative of the fourth District; the remaining membership of the committee shall be composed of seven members appointed by the Speaker of the House of Representatives;

(3) The purpose and the duties of the investigative committee and the subject matter and scope of its investigatory authority shall be to:

(A) Determine the status of the water well and overall water system project;

(B) Provide for an audit of the money allocated to the water system in Ocean View;

(C) Determine whether an amendment to the EA was required relating to the change in project scope after the EA was approved; and

(D) Determine upon what basis Bolton Inc. was retained and whether its contract with DWS
complied with the State Procurement Code under Chapter 103D, HRS;

(4) The investigative committee shall have every power and function allowed to an investigating committee by law, including without limitation the power to:

(A) Adopt rules for the conduct of its proceedings;

(B) Issue subpoenas requiring the attendance and testimony of witnesses and subpoenas duces tecum requiring the production of books, documents, records, papers, or other evidence in any matter pending before the Committee;

(C) Hold hearings appropriate for the performance of its duties, at such times and places as the Committee determines;

(D) Administer oaths and affirmations to witnesses at hearings of the Committee; and

(E) Report or certify instances of contempt;

provided that the investigative committee is requested to voluntarily limit, as much as possible, the use of its subpoena power to produce witnesses, documents, and other evidence, and voluntarily limit the scope of its investigation, as much as possible, to a review of appropriate publicly-available information on the subject matters within the committee's review;

(5) The investigative committee shall be appointed by the Speaker of the House of Representatives exclusively from the membership of the House of Representatives;

(6) The investigative committee is authorized to exercise its powers continuously throughout the interim periods between the 2010 and 2011 Regular Sessions, and shall thereafter be dissolved unless further extended by the House of Representatives; and
(7) The investigative committee may continue beyond the periods set forth in paragraph (6) for the purpose of monitoring and, if necessary, to propose the amendment or repeal of any legislation enacted as a result of the committee's efforts;

now, therefore,

BE IT FURTHER RESOLVED that the State Procurement Office (SPO), with its own staff and other support staff is requested to gather, analyze, and interpret the information submitted to the investigative committee, and report this information to the investigative committee; and

BE IT FURTHER RESOLVED that the SPO is further requested to work under the direction of the investigative committee and provide such technical, staffing, and other assistance to the investigative committee as may be necessary, including providing assistance in collecting, reviewing, analyzing, and interpreting documents, testimony, and other evidence obtained by the committee, and in coordinating the day-to-day work of the committee; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to assist the investigative committee in conducting analyses, as appropriate, and in drafting appropriate implementing legislation as requested by the committee; and

BE IT FURTHER RESOLVED that the Department of the Attorney General is requested to provide the investigative committee with copies of documents as may be available, and in providing legal analyses as needed, to the extent that the Attorney General's participation in the work of the committee does not impermissibly conflict with any litigation of which the Attorney General is a party; and

BE IT FURTHER RESOLVED that all other departments, agencies, and offices of the State, as appropriate, are requested to cooperate with and provide assistance to the investigative committee with respect to its investigation; and
BE IT FURTHER RESOLVED that the investigative committee shall submit to the House of Representatives a report no later than 20 days prior to the convening of the Regular Sessions of 2011; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chair of the Board of Water Supply, Manager of County of Hawaii Department of Water Supply, Mayor of the County of Hawaii, the Governor, Comptroller, Administrator of the State Procurement Office, Hawaii County Legislative Auditor, and Attorney General.