

STAND. COM. REP. NO.

3273

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2828
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2828 entitled:

"A BILL FOR AN ACT RELATING TO WATER,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify that fire safety use is a beneficial use of water; and
- (2) Require the Department of Land and Natural Resources to work with the county governments, Hawaii Emergency Management Agency, and owners to use reservoir water for fire safety.

Your Committee received testimony in support of this measure from Mahi Pono and two individuals. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs. Your Committee received comments on this measure from the Hawaii Emergency Management Agency and Department of Land and Natural Resources.

Your Committee finds that drought conditions have persisted in parts of the State for many years and, together with other unavoidable factors, including human ignitions and fire-prone vegetation, wildfires have and will continue to be a significant



threat to communities. Your Committee further finds that authorizing reservoir water use for fire safety will help to fight against further devastation and keep communities safe from these destructive occurrences. This measure requires cooperation from multiple entities to find ways to enable the use of reservoir water for fire safety while balancing other important water uses.

Your Committee has amended this measure by:

- (1) Deleting language that would have amended section 179D-6, Hawaii Revised Statutes, to require the Board of Land and Natural Resources to work with the county governments, Hawaii Emergency Management Agency, and owners to use reservoir water for fire safety;
- (2) Amending section 185-1.5, Hawaii Revised Statutes, to require the Department of Land and Natural Resources, in consultation with the Hawaii Emergency Management Agency and the Office of Hawaiian Affairs, to cooperate with the counties and reservoir owners to develop protocols and agreements for the use of reservoir waters for fire safety purposes; and
- (3) 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 S.B. No. 2828, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2828, S.D. 1.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2828	Committee Referral: WTL/PSM, JDC	Date: 2/27/2020		
<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)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes