A BILL FOR AN ACT

RELATING TO WATER RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 171-58, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for temporary use on a month-to-month basis under those conditions which will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law; provided that:

(1) Where an application has been made for a lease under this section to continue a previously authorized disposition of water rights, a holdover may be authorized annually until the pending application for the disposition of water rights is finally resolved or for a total of [three] ten consecutive one-year holdovers, whichever occurs sooner; provided that the total period of the holdover for any applicant shall not exceed [three] ten years; provided further that
the holdover is consistent with the public trust doctrine;

(2) If a contested case pursuant to chapter 91 is requested on a one-year holdover, any provision of law notwithstanding, the holdover shall be continued without any action of the board pending completion of the proceedings;

(3) Any disposition by lease shall be subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both in any regular or special session next following the date of disposition; and

(4) After a certain land or water use has been authorized by the board subsequent to public hearings and conservation district use application and environmental impact statement approvals, water used in nonpolluting ways, for nonconsumptive purposes because it is returned to the same stream or other body of water from which it was drawn, and essentially not affecting the volume and quality of water or biota in the stream or other body of water, may also be
leased by the board with the prior approval of the
governor and the prior authorization of the
legislature by concurrent resolution."

SECTION 2. Act 126, Session Laws of Hawaii 2016, is
amended as follows:

1. By amending section 2 to read:

"SECTION 2. The department of land and natural resources
shall prepare and submit an annual report to the
legislature no later than twenty days before the convening of
each regular session of the legislature for the years 2017-2027. The reports
shall include:

(1) The status of applications to continue previously-
authorized dispositions of water rights;

(2) Actions taken on the applications during the fiscal
period of July 1, 2016, to November 30, 2016, fiscal
year 2016-2017, fiscal year 2017-2018, and fiscal year
2018-2019, respectively; and

(3) Any relevant recommendations for legislative action or
appropriation."
2. By amending section 4 to read:

"SECTION 4. This Act shall take effect upon its approval, and shall apply to applications for a lease to continue a previously authorized disposition of water rights that are pending before the board of land and natural resources on the effective date of this Act or filed with the board of land and natural resources on or after the effective date of this Act, but prior to June 30, [2019] 2026; provided that:

(1) This Act shall be repealed on June 30, [2019] 2026, and section 171-58(c), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act; and

(2) Any holdovers first applied for under this Act prior to June 30, [2019] 2026, may be reauthorized, as provided in section 1 of this Act, beyond June 30, [2019] 2026."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 29, 2019.
Report Title:
DLNR; Water Rights; Extension; Holdover

Description:
Allows for ten consecutive one-year holdovers of water permits under section 171-58(c), HRS. Makes conforming amendments to the reporting requirement in Act 126 (2016). Extends the repeal and reenactment provision for Act 126 (2016) by seven years, from June 30, 2019 to June 30, 2026. (HB1326 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.