

STAND. COM. REP. NO.

311

Honolulu, Hawaii

, 2021

FEB 17

RE: H.B. No. 1015
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1015, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF LAND AND NATURAL RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to implement the water disposition process pursuant to section 171-58, Hawaii Revised Statutes, by clearly establishing that dispositions for the use of water by the Board of Land and Natural Resources are licenses for water, rather than the conveyance of any property right or interest in water via a lease.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Hawai'i Farm Bureau. Your Committee received comments on this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Kaua'i Island Utility Cooperative, Native Hawaiian Legal Corporation, Wai'oli Valley Taro Hui, Sierra Club of Hawai'i, and Earthjustice.

Your Committee finds that water is a fundamental resource requiring the most delicate management to ensure its conservation to meet social and ecological needs. While the management of such a resource will not always garner universal approval,

2021-1679 HB1015 HD2 HSCR HMSO



consideration and the collaboration of differing perspectives may lead to management processes and decisions deemed satisfactory. Your Committee further finds that this measure is intended to assist and allow the Board of Land and Natural Resources to dispose of water in a more feasible, practicable, and fair manner that is consistent with the public trust doctrine. Your Committee requests that the Department of Land and Natural Resources collaborate with interested stakeholders to ensure that the disposition of water is conducted and managed in a manner that remains consistent with the public trust doctrine.

Your Committee has amended this measure by:

- (1) Specifying that the disposition of water licenses does not apply to any instream, in-watershed use of water for wetland kalo cultivation done in a traditional manner; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1015, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 1015, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
& Commerce,



AARON LING JOHANSON, Chair



