RECORDS OF

THE LEGISLATIVE

REFERENCE BUREAU

1982-1996

March 2000

Hawaii State Archives
Iolani Palace Grounds
Honolulu Hawaii 96813
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INTRODUCTION

The records of the Legislative Reference Bureau currently consist of records of four commissions which were attached to the Bureau for administrative purposes. There have been four accessions of records in this group, one for each commission, two in 1995, one in 1996 and one in 1997. The records are organized into sub-groups of one or more series by commission, as follows: Sub-Group I, the Commission on Sexual Orientation and the Law (COSOL), dated 1994-1996; Sub-Group II, the Advisory Study Commission on Water Resources (ASCWR), 1982-1985; Sub-Group III, the Land Evaluation and Site Assessment Commission (LESAC), 1983-1986; and Sub-Group IV, the Review Commission on the State Water Code (RCSWC). The records are generally boxed and folded paper records, although there are some bound volumes and some oversize materials.

Access to the records is unrestricted.

AGENCY HISTORY

The Legislative Reference Bureau (LRB) was created by Act 91, Session Laws of Hawaii, 1943, as a department of the University of Hawaii (UH), "for the use of the members of the legislature, the Governor and the various departments, institutions and agencies" of the territorial government, as well as, under circumstances regulated by the president of the university, private citizens. The purposes of the Bureau were: to assist the Governor and members of the legislature in the proper performance of the their functions by providing them with impartial and accurate information and reports concerning legislative problems; to provide a research and reference service; to secure information pertaining to legislative problems; to draft bills; to render legal services in connection therewith; and to make available for use by agencies and citizens its reference materials and facilities.

Act 171, Session Laws of Hawaii, 1972, established the LRB as an office under the legislature, disestablished the LRB as a department of the UH and transferred its functions from the UH to the newly created office. At the same time, the research services of the Bureau were restricted to the legislature, its committees and members. Concurrently, the office of the Revisor of Statutes was placed within the LRB.

Sources: SLH, 1943, Act 91
SLH, 1972, Act 171
HRS, 1993, §23G
The Commission on Sexual Orientation and the Law (COSOL) was established by Act 217, Session Laws of Hawaii, 1994, primarily in response to the Hawaii Supreme Court opinion in Baehr v. Lewin, 74 Haw. 530, 852 P.2d 44 (1993). In Act 217 was a legislative finding that the marriage laws of Hawaii were intended for opposite sex couples only. It further found that any change to the marriage laws must come from either the legislature or a constitutional convention, not the judiciary.

Act 217 stated four purposes: to assert that the same-sex marriage question was one of policy, the exclusive purview of legislative bodies; to reiterate the intent of existing marriage law as applicable to male-female couples only; to assure that the state does not prevent religious organizations from solemnizing same-sex marriages; and to establish COSOL.

COSOL had three purposes: to “examine the precise legal and economic benefits extended to opposite-sex couples, but not to same-sex couples; [to] examine whether substantial public policy reasons exist to extend such benefits to same-sex couples and the reasons therefor; and [to] recommend appropriate action which may be taken by the legislature to extend such benefits to same-sex couples.” COSOL was to submit a report of its findings not later than twenty days prior to the convening of the 1995 regular session.

COSOL of eleven members held its first meeting in November, 1994. Additional meeting were held, but only limited progress was made because of a court challenge to COSOL membership. Act 217 provided for COSOL to include members drawn from religious organizations. This provision was challenged in the U.S. District Court in McGivern, et al, vs. Waihee, et al (Civil no. 94-00843 HMF) as a violation of the constitutional prohibition of establishment of a religion. The challenge was upheld and in January, 1995, the four members of COSOL who were appointed from the Catholic Diocese and from the Church of Jesus Christ of Latter Day Saints were permanently enjoined by court order from further participation on COSOL. As a result, COSOL suspended operations and did not continue its work or submit its report as scheduled.

The 1995 legislature revised Act 217. By Act 5, Session Laws of Hawaii, 1995, the membership of COSOL excluded members from religious organizations, its purpose was reaffirmed and the deadline for submission of its report was extended by one year. In addition, it was mandated that COSOL cease to exist after July 1, 1996.

The new COSOL, conducted research and established a schedule to carry out its mission. It prepared a draft report by December, 1995, which was made public. It then held a public hearing and solicited public comments. The same-sex marriage issue was an emotional one with strongly held opinions, lacking middle ground. COSOL, and its report, reflected the community in its division into diametrically opposed views of the same issue.

Sources: SLH, 1994, Act 217
SLH, 1995, Act 5
SERIES NUMBER: 395  SERIES TITLE: Records of the Commission on Sexual Orientation and the Law

DATE RANGE: 1994-1996

QUANTITY: 0.63 cubic feet in one 7.5-inch box

CREATOR: Originally created by the Commission on Sexual Orientation and the Law; collected and assembled by the staff of the Legislative Reference Bureau

PHYSICAL CHARACTERISTICS/CONDITION: Consists of manuscript or typescript, original or xerographic copy, letter-size paper materials in excellent condition. Includes one report bound into book form.

CONTENT DESCRIPTION: Contains agendas, minutes, testimonies, correspondence, petitions, excerpts of published materials, copies of court papers, and reports. Documents the origins, composition and operations of the Commission, the irreconcilable ideological divisions within the Commission and the actions taken by Commission factions as a result of those divisions. Includes a cross-section of the arguments on both sides of the issue of same-sex marriage.

ARRANGEMENT: By type of record, in order: agendas and minutes of the full committee, in chronological order by hearing date; agendas and minutes of the majority subcommittee, in chronological order by hearing date; agendas and minutes of the minority subcommittee, in chronological order by hearing date; testimonies on same-sex marriages given at the hearing on December 6, 1995, in order as received; letters and petitions, including facsimiles, on same-sex marriage, in order, those received through December 6, 1995, followed by those received after December 6, 1995; thereunder in order, those in favor of same-sex marriage, followed by those opposed, thereunder in alphabetical order; administrative correspondence and memoranda in chronological order; research materials in order as received; and reports, in order interim followed by final.

NOTES:
1. Received in a single accession in 1997.
2. Letters, facsimiles and petitions in favor and in opposition were sampled. Approximately 25% of the original volume was retained.
3. Arrangement by record type was imposed. Within record types, order as received was generally retained, except that letters and petitions received after December 6, 1995, were alphabetized to establish same order as was found in those received through December 6, 1995.
4. Some correspondence is in the nature of testimony.

ACCESS: Unrestricted.

PREPARED BY: A. Hoof  DATE: January 24, 2000
RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

Sub-Group II

Advisory Study Commission on Water Resources

The Advisory Study Commission on Water Resources (ASCWR) was established by Act 170, Session Laws of Hawaii, 1982.

The Legislature found that the State, pursuant to Article XI, section 7, of the Constitution of the State of Hawaii, had an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people by establishing policies, criteria and procedures related to water use, quality, conservation. The Legislature further found that formulation and enactment of a state water code was the means by which it would meet its constitutional obligation. It established ASCWR to begin the process which would result in enactment of the water code.

ASCWR had two purposes: to carefully and comprehensively review the various issues relating to Hawaii's water resources, including existing relevant laws and rules, and to formulate a proposed water code.

Act 170 specified the intent of the water code, listed 13 areas to be considered by ASCWR, specified the makeup of the 13-member Commission and placed it administratively under LRB. The Act provided funding and established dates by which the Commission was required to submit reports to the Legislature and the date upon which the Commission would cease to exist.

The Commission first met in September, 1982, and met at approximately monthly intervals thereafter. The Commission early on hired a consultant to do the detail work of researching and drafting the water code, while the Commission exercised oversight of the process. Eventually the draft code reaching a point where it was suitable for public review and comment. To accomplish this, the Commission announced and conducted informational public meetings and public hearings, on Oahu and all the neighbor islands except Kahoolawe and Niihau, at which public testimony was received. The Commission further revised the draft code based on public input and submitted the final draft as a part of their report to the Legislature in January 14, 1985.

The Commission held its last meeting on April 19, 1985, and ceased to exist on April 22, 1985. The state water code, as recommended by the Commission to the Legislature, was, after going through and being modified by the legislative process, eventually enacted into law as Act 45, Session Laws of Hawaii, 1987.

Sources: SLH, 1982, Act 170
Journal, House of Representatives, 1987
RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

Series Number: 396  Series Title: Records of the Advisory Study Commission on Water Resources

Date Range: 1982-1985

Quantity: 0.63 cubic foot in one 7.5-inch box

Creator: Originally created by the Advisory Study Commission on Water Resources; collected and assembled by the staff of the Legislative Reference Bureau

Physical Characteristics/Condition: Consists of manuscript or typescript original or xerographic copy letter- and legal-size materials in excellent condition.

Content Description: Contains agendas, minutes, testimonies, correspondence, memoranda, notices, schedules, reports and copies of published materials. Documents the origins, composition and operations of the Commission. Includes information on the concepts underlying water rights law, and public opinion on the subject.

Arrangement: By type of record, in order: by-laws, consultant contracts; agendas and minutes; public information materials; testimonies; correspondence; reports; and background and reference materials.

Notes: 1. Received in a single accession in 1995.
2. Arrangement by record type was imposed. Within record types, order as received was generally retained.
3. Some correspondence is in the nature of testimony.
4. Volume was reduced during processing by weeding of duplicates and routine, non-permanent administrative records.

Access: Unrestricted.

Prepared by: A. Hoof  Date: January 26, 2000
Land Evaluation and Site Assessment Commission

The Land Evaluation and Site Assessment Commission (LESAC) was established by Act 273, Session Laws of Hawaii, 1983.

The purpose of Act 273 was to implement Article XI Section 3, of the Hawaii State Constitution, by providing for standards, criteria, and procedures designed to conserve and protect agricultural lands and to assure long-term availability of agriculturally suitable land. The Legislature directed that LESAC: formulate the State of Hawaii land evaluation and site assessment system; identify, develop and recommend for legislative adoption important agricultural lands per that system; and evaluate alternative agricultural production goals.

LESAC was further directed to submit reports to the legislature prior to the convening of the regular session in both 1984 and 1985. The reports' contents were specified in Act 273, and included evaluations, findings, recommendations, maps of agricultural lands identified per the recommendations, and a comprehensive set of legislative proposals to effectuate the intent of LESAC's recommendations.

Finally, Act 273 specified the composition of the 17-member Commission, placed it administratively under LRB, provided funding and directed that the Commission would cease to exist upon the adjournment sine die of the regular session of the 1985 legislature.

The Commission first met in October, 1983, and met approximately monthly thereafter. The Commission adopted by-laws, organized into sub-committees and hired a consultant to do the detail work of the Commission. Initial work involved gathering background information and data regarding existing agricultural systems. This was followed by analysis of existing agricultural classifications, policies and procedures, and review of LESA concepts and methodology, with a view to formulating courses of action for the implementation of the new systems and processes which LESAC was created to develop.

Part of the LESAC charter in Act 273 was to involve the public in its work via informational meetings and hearings. Informational meetings were conducted on all islands except Kaho'olawe and Niihau in March, 1984. Public hearing on the draft initial report were held in February and March, 1985.

Delays in the work of the Commission pushed back the submission of the 1984 report from the beginning of the 1984 legislative session until March, 1985. In that report, the Commission recommended that its existence be extended beyond the end of the 1985 legislative session, a recommendation approved by the passage of Act 148, SLH 1985, which extended the term of the Commission by one year.

Public hearings on the draft final report were held in December, 1985, and January, 1986. The final report was submitted in February, 1986. The Commission held its last meeting on April 16, 1986, and ceased to exist on April 23, 1986.

Sources: SLH, 1983, Act 273
SLH, 1985, Act 148
RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

Series Number: 397  Series Title: Records of the Land Evaluation and Site Assessment Commission

Date Range: 1983-1986

Quantity: 0.48 cubic foot in one 7.5-inch box

Creator: Originally created by the State of Hawaii Land Evaluation and Site Assessment Commission; collected and assembled by the staff of the Legislative Reference Bureau

Physical Characteristics/Condition: Consists of mostly xerographic copy and a few original letter- and legal-size manuscript or typescript papers, as well as oversize photographs, in excellent condition.

Content Description: Contains agendas, minutes, testimonies, correspondence, memoranda, notices, schedules, timetables, maps, reports and published materials. Documents the origins, purposes, composition, operations and recommendations of the Commission. Includes information on agricultural lands and their classifications, the U.S. Federal LESA system, and public and corporate commentary on the issues under study by the Commission.

Arrangement: By type of record, in order: by-laws, planning documents; agendas and minutes; public informational meetings and public hearings materials; testimonies; correspondence; reports; and background and reference materials.

Notes: 1. Received in a single accession in 1995.
2. Two publications were weeded as follows: “Soil Survey of the islands of Kauai, Oahu, Maui, Molokai and Lanai [1972]” and “Soil Survey of the island of Hawaii [1973].”
3. Six 8x10 inch color copy negatives, of oversize photographs of maps in this collection, were transferred to the Photograph Collection and assigned negative numbers 2000.013 through 2000.018.
4. A map titled “General Soil Map of the island of Hawaii, Hawaii” was transferred to the Map Collection.
5. The LESAC final report was not among the records transferred.
6. Arrangement by record type was imposed. Within record types, order as received was generally retained.
7. Some correspondence is in the nature of testimony.
8. Volume was reduced during processing by weeding of publications, duplicates and routine, non-permanent administrative records.
RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

Series Number: 397  Series Title: Records of the Land Evaluation and Site Assessment Commission

9. The final report of the Commission recommended legislation be enacted to implement its recommendations. Between 1987 and 1998, 46 LESA-related measures were introduced in either the House or the Senate; none passed.

Access: Unrestricted.

See Also: Hawaii Institute of Tropical Agriculture and Human Resources, information text series no. 35: An appraisal of the Hawaii Land Evaluation and Site Assessment (LESA) system: Honolulu, HITAHR, University of Hawaii at Manoa, June, 1990

Prepared by: A. Hoof  Date: February 3, 2000
RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

Sub-Group IV

Review Commission on the State Water Code

Act 45, SLH 1987, the State Water Code, provided for a seven-member Review Commission on the State Water Code (RCSWC), attached to the LRB, and directly responsible to the Legislature.

The purpose of the RCSWC was to perform a comprehensive review of the state water code, and to develop recommendations for its improvement. The review was to include all water issues in the state water code, other water matters which should be included in the state water code, and the identification of agencies of the state and counties which should be responsible for developing, protecting and controlling water.

Act 45 specified that the RCSWC was to begin its work five years following passage of the state water code, and to complete its work two years after that, with the submission of a report of its findings and recommendations to the Legislature. The commission of seven members was appointed per Act 45 on September 25, 1992. Subsequently, Act 101, SLH 1994, increased the Commission membership from seven to nine. The two additional members were appointed on June 29, 1994.

The Commission held its first meeting on November 13, 1992. It approved its by-laws, contracted an executive director to run its day-to-day operations and initiated a program of research and study to identify the issues which needed to be addressed in its review, to include working and consulting with existing water agencies. The Commission conducted regular and executive meetings at frequent intervals until its final report was submitted, and a few times thereafter. It held its final meeting on December 13, 1995. Throughout this time, the Commission instituted a vigorous public information program, both to advise the public of its existence and its charter and to solicit public help in identifying major issues, providing perspective and commenting on the draft proposals of the Commission. The public affairs program included mailing flyers, etc., to an extensive list of individuals, corporations and interest groups; depositing reference materials in various state libraries; making presentations to professional and community groups; conducting or participating in various workshops and symposia; creating a newspaper insert; holding public informational meetings (in 1993) and public hearings (in 1994); and testifying before standing committees of the state legislature.

At the request of the legislative leadership, the Commission submitted an interim report, which identified the major issues to be addressed and provided a plan of action, to the 1994 legislature. Its final report, including a recommended revised state water code in the form of a draft bill, was submitted to the 1995 legislature.

The issues of water rights and water management were complex and sometimes contentious, as is reflected in the records of the Commission, which have been divided into two series: records of meetings and administrative records.

Sources: SLH, 1987, Act 45
           SLH, 1994, Act 101
RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

Series Number: 398  Series Title: Records of the Meetings of the Review Commission on the State Water Code

Date Range: 1992-1995

Quantity: 3.75 cubic feet in six 7.5-inch boxes

Creator: Originally created by the Review Commission on the State Water Code; collected and assembled by the staff of the Legislative Reference Bureau

Physical Characteristics/Condition: Consists of original and xerographic copy letter- and legal-size manuscript or typescript papers, as well as 34 VHS videotapes, in excellent condition.

Content Description: Contains agendas, minutes, transcripts, testimonies and copies of records and published materials used for reference by commission members. Documents the proceedings of the Commission and contains definitions and discussion of the issues which confronted them, such as competing uses, resource allocation, sustainable yields, riparian rights, appurtenant rights and Native Hawaiian rights. Includes public and corporate opinion on the issues and on the state water code.

Arrangement: Arranged into three sub-series: Meeting Records; Reference Materials and Videotapes of Commission Meetings. The first sub-series includes meeting agendas, minutes, testimonies and (when present) transcripts, in order: regular and executive meetings; public informational meetings; workshop on Native Hawaiian water rights; public hearings; and meetings of the sub-committee on legal research; and thereunder chronological by meeting date. The second sub-series contains materials mailed or handed to commission members prior to each meeting, in chronological order by meeting date. The videotapes were recorded during Commission meetings.

Notes: 1. Received in a single accession in 1996.
2. Minor rearrangement by record type took place during processing. Within record types, order as received was retained. This includes late testimony, received by mail, which RCSWC staff incorporated into the meetings records.
3. Some reference materials were non-permanent, or were duplicated elsewhere in the records, and were weeded. In particular, considerable duplication existed between testimonies and handouts, and in such cases, the handouts were weeded.
4. VHS videocassettes of Commission meetings were not retained if the minutes included a written transcript of the proceedings.

Access: Unrestricted.

Prepared by: A. Hoof  Date: February 22, 2000
RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

Series Number: 399  Series Title: Administrative Records of the Review Commission on the State Water Code

Date Range: 1992-1995

Quantity: 0.63 cubic feet in one 7.5-inch box

Creator: Originally created by the Review Commission on the State Water Code; collected and assembled by the staff of the Legislative Reference Bureau

Physical Characteristics/Condition: Consists of original and xerographic copy letter- and legal-size manuscript or typescript papers in excellent condition.

Content Description: Contains by-laws, letters of appointment, correspondence, memoranda, public information materials, outlines of speeches, a contractual study, resolutions, reports, excerpts from published materials, commentary on Commission reports and proposals, indices and testimony to the Senate Committee on Planning, Land and Water Use Management. Documents the operations of the Commission, including the interaction of the Commission with other agencies. Includes public opinion on water rights and water code issues.

Arrangement: By type of record, in order: by-laws, letters of appointment, outreach materials, correspondence by agency and thereunder chronological, resolutions, study, interim report, final draft code and final report, comments, testimony and indices.

Notes: 1. Received in a single accession in 1996.
2. Arrangement by record type was imposed. Within record types, order as received was generally retained.
3. Volume was reduced during processing by weeding of duplicates and routine, non-permanent records, such as airline and rental car reservation information, and letters of thanks sent to individuals who testified before the Commission.
4. Testimony presented to the House water committee was weeded; it is present in Series 305.
5. Additional correspondence, included in Series 398 as handout material at Commission meetings, was weeded from this series.

Access: Unrestricted.

Prepared by: A. Hoof Date: February 24, 2000
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# Records of the Legislative Reference Bureau

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# RECORDS OF THE LEGISLATIVE REFERENCE BUREAU

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  - List of statutes re water rights

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Series Title: Records of the Land Evaluation and Site Assessment Commission |

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