

Honolulu, Hawaii
Feb 6, 2008

RE: H.B. No. 2965
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committees on Agriculture and Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 2965 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SECURITY,"

beg leave to report as follows:

The purpose of this bill is to enhance protections for Hawaii's agricultural water systems by:

- (1) Allowing electrical power to be diverted to public and private agricultural water systems for irrigation of agricultural lands when certain conditions and requirements are met;
- (2) Specifying that, in the event of an emergency declared by the Governor, electric power, to the fullest extent possible, shall be diverted directly to agricultural pumping facilities for the purpose of maintaining agricultural water security; and
- (3) Establishing the Agricultural Water Security Revolving Fund (Revolving Fund) to fund projects that enhance and ensure the security of the water supply and irrigation systems for agriculture.



The Office of Hawaiian Affairs, Kamehameha Schools, The Kohala Ditch Project, Kahua Ranch Ltd., Island Resources Ltd., and several concerned individuals supported this bill. The Department of Land and Natural Resources (DLNR) opposed a specific section of this bill. The Department of Budget and Finance submitted comments.

Your Committees recognize the importance of ensuring steady and reliable access to water for agricultural operations. However, your Committees note that concerns were raised regarding the provisions contained in this measure. Your Committees respectfully request that the provisions relating to the diversion of electric power for agricultural water systems, contained in section 2 of this measure, be assessed by the Committee on Commerce and Consumer Protection to determine if those provisions should be placed under the purview of the Public Utilities Commission. In addition, your Committees note the concerns raised regarding the establishment of the Revolving Fund under the State Water Code.

To encourage further discussions, your Committees have amended this measure by removing the Revolving Fund from the purview of the State Water Code and deleting references to DLNR as the administrative entity for the Revolving Fund. Other technical, nonsubstantive amendments were made for style, clarity, and consistency.

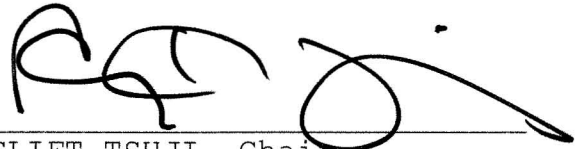
As affirmed by the records of votes of the members of your Committees on Agriculture and Water, Land, Ocean Resources & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2965, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2965, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Water, Land, Ocean Resources &
Hawaiian Affairs,



KEN ITO, Chair



CLIFT TSUJI, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 197-08

Record of Votes of the Committee on Agriculture

Bill/Resolution No.: HB 2965	Committee Referral: AGR/WLH, CPC, FIN	Date: 02/01/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	/			
2. BROWER, Tom (VC)	/			
3. BERG, Lyla B., Ph.D.				/
4. CHANG, Jerry L.	/			
5. HANOHANO, Faye P.	/			
6. HERKES, Robert N.	/			
7. MANAHAN, Joey	/			
8. WAKAI, Glenn	/			
9. YAMANE, Ryan I.	/			
10. YAMASHITA, Kyle T.	/			
11. CHING, Corinne W.L.	/			
12. MEYER, Colleen Rose				/
TOTAL (12)	10	Ø	Ø	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Tom Brower</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				

State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 197-08

Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.: HB 2965	Committee Referral: AGR/WLH, CPC, FIN	Date: 2-1-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. KARAMATSU, Jon Riki (VC)	✓			
3. CARROLL, Mele	✓			
4. MAGAOAY, Michael Y.	✓			
5. MORITA, Hermina M.	✓			
6. SAGUM, Roland D., III	✓			
7. SAIKI, Scott K.	✓			
8. THIELEN, Cynthia		✓		
TOTAL (8)	8	1	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted <i>2nd</i>				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>J. N. Hunt</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				