

Honolulu, Hawaii

April 1, 2010

RE: S.B. No. 633  
S.D. 1  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 633, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WATER,"

begs leave to report as follows:

The purpose of this bill is to ensure that homestead farmers using the Molokai Irrigation System are adequately represented on the Molokai Irrigation System Water Users Advisory Board (Board) by increasing their representation on the Board. This bill also establishes qualifications for all Board members and quorum requirements, and clarifies that travel expenses are included in the expenses incurred by Board members that may be reimbursed.

The Department of Agriculture and a concerned individual testified in support of this bill. The Hawaiian Homes Commission, Department of Hawaiian Home Lands (DHHL), and a concerned individual provided comments.

This bill adds to the membership of the Board, a kupuna homestead farmer user whose nomination has been recommended by DHHL's commissioner for Molokai and approved for submittal to the governor by majority vote of all current advisory board homesteader-members. However, your Committee finds that limiting the homestead farmer member to a kupuna who has an active general excise tax license limits the eligibility of otherwise qualifying homestead farmer users to a mere two individuals. To ensure the



broadest net is cast for representation of homestead farmer users on the Board, your Committee has amended this bill by removing the qualification that the homestead farmer user be a kupuna.

Furthermore, your Committee finds that Board decisions affect all of the residents of Molokai, and therefore, Board membership should be determined by the Molokai community. The association Moku Puni O Molokai is made up of all the Hawaiian Homestead Associations on the island of Molokai. Accordingly, your Committee has further amended this bill by providing that Moku Puni O Molokai recommend the homestead farmer user member to be nominated to the Board, as determined pursuant to a process established by that organization, rather than the DHHL's commissioner for Molokai.

This bill has been further amended by making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 633, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 633, S.D. 1, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Hawaiian Affairs,

  
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MELE CARROLL, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 1133-10

**Record of Votes of the Committee on Hawaiian Affairs**

Bill/Resolution No.: <b>SB 633, SDI, HDI, (HSCR 1269)</b>	Committee Referral: <b>WLO/AGR, HAW</b>	Date: <b>03-17-2010</b>		
<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)				
HAW Members	Ayes	Ayes (WR)	Nays	Excused
1. CARROLL, Mele (C)	✓			
2. SHIMABUKURO, Maile S.L. (VC)	✓			
3. BELATTI, Della Au	✓			
4. BERTRAM, Joe, III	✓			
5. BROWER, Tom	✓			
6. MIZUNO, John M.				✓
7. NISHIMOTO, Scott Y.	✓			
8. YAMANE, Ryan I.	✓			
9. WARD, Gene	✓			
<b>TOTAL (9)</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; margin-left: 100px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				