

STAND. COM. REP. NO.

554

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 633

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 633 entitled:

"A BILL FOR AN ACT RELATING TO WATER,"

begs leave to report as follows:

The purpose of this measure is to require that at least four members of the Moloka'i Irrigation System Water Users Advisory Board be Hawaiian homestead farmers.

Testimony in support of this measure was submitted by five organizations and seven public citizens. One state agency and three organizations provided comments. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that under section 168-4, Hawaii Revised Statutes, the Moloka'i homesteaders have a two-thirds water preference for the Moloka'i Irrigation System. In the State Auditor's Report, No. 08-03, Financial and Management Audit of the Moloka'i Irrigation System, it was recognized that the preference accorded to homesteaders is not reflected in any planning and that non-homestead farmers consume approximately eighty per cent of the system's available water. Your Committee believes that additional representation of homestead farmers on the Moloka'i Irrigation System Water Users Advisory Board is needed to better represent the homestead farmers and to ensure that the homestead farmers receive their statutorily guaranteed water preference.




Your Committee has amended this measure by:

- (1) Adopting the recommendations of the Department of Agriculture and adding definitions for "homestead farmer user" and "kupuna homestead farmer user";
- (2) Requiring that at least two members be homestead farmers, including one being a kupuna homestead farmer user;
- (3) Deleting the designated member from the Department of Hawaiian Home Lands, and replacing it with the supervisor of the Moloka'i District Office of the Department of Hawaiian Home Lands as an ex-officio member;
- (4) Deleting the requirement that at least four members be Hawaiian homestead farmers;
- (5) Defining a quorum, and prohibiting members from acting on matters with which they may have a conflict of interest;
- (6) Amending the effective date to July 1, 2050, for the purpose of encouraging further discussion; and
- (7) Making technical, nonsubstantive changes for clarity.

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



Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,

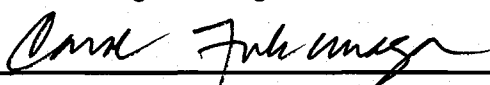


CLAYTON HEE, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

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|--|--------------------------|-------------------------|----------------------------------|----------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 633 | WTL | 02-27-09 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| HEE, Clayton (C) | ✓ | | | |
| TOKUDA, Jill N. (VC) | | | | ✓ |
| BUNDA, Robert | | | | ✓ |
| FUKUNAGA, Carol | ✓ | | | |
| KOKUBUN, Russell S. | ✓ | | | |
| TAKAMINE, Dwight Y. | | | | ✓ |
| HEMMINGS, Fred | ✓ | | | |
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| TOTAL | 4 | 0 | 0 | 3 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
|  | | | | |
| Distribution: | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | |

*Only one measure per Record of Votes