
A BILL FOR AN ACT

RELATING TO THE MOLOKAI IRRIGATION AND WATER UTILIZATION
PROJECT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 167-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§167-11 Rate policy; sale of excess water. The board of
4 agriculture shall have the power to fix and adjust rates and
5 charges for the furnishing of irrigation or domestic water and
6 for water service so that the revenues derived therefrom shall
7 be sufficient to cover the cost of operation, maintenance,
8 replacement, and debt service on revenue bonds in compliance
9 with part III of chapter 39, and may make charges as may be
10 necessary to cover the capital cost of the system or other costs
11 incurred in connection with the system.

12 Nothing in this chapter shall be construed to prevent the
13 board from selling water to persons other than land occupiers
14 and other consumers within a water project in the event and to
15 the extent that water in excess of the needs of the land
16 occupiers and other consumers may from time to time be
17 available[-]; provided that water from the Molokai irrigation



1 and water utilization project, as described in section 168-4,
2 shall be made available only to the Hawaiian homes commission
3 and lessees of the Hawaiian homes commission."

4 SECTION 2. Section 168-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 " ~~[+] §168-4 []- Preference.~~ Exclusive right. ~~[To the extent~~
7 ~~that the same may be necessary from time to time for the~~
8 ~~satisfaction of their water needs, domestic and agricultural,~~
9 ~~the] The Hawaiian homes commission and lessees of the Hawaiian~~
10 homes commission shall at all times ~~[, upon actual need therefor~~
11 ~~being shown to the board of agriculture,]~~ have ~~[a prior]~~ an
12 exclusive right to ~~[two thirds of]~~ the water developed for the
13 Molokai irrigation and water utilization project by the tunnel
14 development extending to Waikolu valley and ground water
15 developed west of Waikolu valley, which was planned by the board
16 of land and natural resources as the first stage of the Molokai
17 irrigation project."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 3. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on January 1, 2012.

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Report Title:

Molokai Irrigation System

Description:

Permits only the Hawaiian Homes Commission and homesteaders to use water from the Molokai irrigation and water utilization project.

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