
A BILL FOR AN ACT

RELATING TO WATER.

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

1 SECTION 1. Section 174C-101, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§174C-101 Native Hawaiian water rights.** (a) Provisions
4 of this chapter shall not be construed to amend or modify rights
5 or entitlements to water as provided for by the Hawaiian Homes
6 Commission Act, 1920, as amended, and by chapters 167 and 168,
7 relating to the Molokai irrigation system. Decisions of the
8 commission on water resource management relating to the planning
9 for, regulation, management, and conservation of water resources
10 in the State [~~shall~~], to the extent applicable and consistent
11 with other legal requirements and authority, shall incorporate
12 and protect adequate reserves of water for current and
13 foreseeable development and use of Hawaiian home lands as set
14 forth in section 221 of the Hawaiian Homes Commission Act.

15 (b) No provision of this chapter shall diminish or
16 extinguish trust revenues derived from existing water licenses
17 unless compensation is made.



1 (c) Traditional and customary rights of ahupua`a tenants
 2 who are descendants of native Hawaiians who inhabited the
 3 Hawaiian Islands prior to 1778 shall not be abridged or denied
 4 by this chapter. Such traditional and customary rights shall
 5 include, but not be limited to, the cultivation or propagation
 6 of taro on one's own kuleana and the gathering of hihiwai, opae,
 7 o`opu, limu, thatch, ti leaf, aho cord, and medicinal plants for
 8 subsistence, cultural, and religious purposes.

9 (d) The appurtenant water rights of kuleana and taro
 10 lands, along with those traditional and customary rights assured
 11 in this section, shall not be diminished or extinguished by a
 12 failure to apply for or to receive a permit under this chapter.

13 (e) An owner of kuleana land shall be exempt from all
 14 state, county, and municipal taxation, fees, and charges of
 15 every kind for water usage in connection with kuleana
 16 landowner's appurtenant water rights."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Mele Carroll
Raymond
Quarica

Report Title:

Water; Kuleana Water Rights

Description:

Exempts the holders of kuleana lands with appurtenant water rights from paying taxes and fees for their water.

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