
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. [~~Sueh~~] The traditional and customary rights
 5 shall include, but not be limited to, the cultivation or
 6 propagation of taro on one's own kuleana and the gathering of
 7 hihiwai, opae, o'opu, limu, thatch, ti leaf, aho cord, and
 8 medicinal plants for subsistence, cultural, and religious
 9 purposes.


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

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

18 SECTION 2. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

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

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H.B. NO. 1352

Report Title:

Water; Kuleana Water Rights

Description:

Exempts owners of kuleana lands from all state, county, and municipal taxation, fees, and charges of every kind for water usage in connection with the kuleana landowner's appurtenant water rights.

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