

JAN 17 2014

A BILL FOR AN ACT

RELATING TO UNDERGROUND WATER.

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

1 SECTION 1. Section 174C-5.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The following shall be deposited into the water
4 resource management fund:

5 (1) Appropriations by the legislature to the water
6 resource management fund;

7 (2) All fees and administrative charges collected under
8 this chapter or any rule adopted thereunder[+], except
9 Hawaiian home lands water permit fees collected
10 pursuant to section 174C-61(b);

11 (3) Moneys collected as fines or penalties imposed under
12 this chapter or any rule adopted thereunder;

13 (4) Moneys derived from public and private sources to
14 benefit water resource protection and management;

15 (5) Any moneys collected from the sale of retail items by
16 the department related to water resources;

17 (6) Any other moneys collected pursuant to chapter 174C;
18 and



1 (7) Moneys derived from interest, dividend, or other
2 income from the above sources."

3 SECTION 2. Section 174C-61, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§174C-61[+] Fees. (a) The commission shall
6 promulgate a schedule of application and permit fees[-] to be
7 charged in addition to the Hawaiian home lands water permit fee
8 pursuant to subsection (b). The fees shall be used to defray
9 the administrative costs of the permit systems established under
10 this chapter. A public agency shall not be subject to the
11 payment of any fees.

12 (b) An annual Hawaiian home lands water permit fee in the
13 amount of \$ _____ shall be assessed to any person or entity,
14 except a public agency, that is issued a permit pursuant to this
15 chapter to withdraw, divert, impound, or consumptively use any
16 water beneath the surface of any lands with the status of
17 Hawaiian home lands pursuant to section 204 of the Hawaiian
18 Homes Commission Act, 1920, as amended."

19 SECTION 3. Section 213, Hawaiian Homes Commission Act,
20 1920, as amended, is amended by amending subsection (e) to read
21 as follows:

1 "(e) Hawaiian home operating fund. The interest
2 transferred from the Hawaiian home loan fund, all Hawaiian home
3 lands water permit fees collected pursuant to section 174C-
4 61(b), Hawaii Revised Statutes, all moneys received by the
5 department from any other source, and moneys transferred from
6 the Hawaiian home receipts fund, shall be deposited into the
7 Hawaiian home operating fund. The moneys in this fund, without
8 the prior written approval of the governor, shall be available:

- 9 (1) For construction and reconstruction of revenue-
10 producing improvements intended to serve principally
11 occupants of Hawaiian home lands, including
12 acquisition or lease therefor of real property and
13 interests therein, such as water rights or other
14 interests;
- 15 (2) For payment into the treasury of the State of such
16 amounts as are necessary to meet the interest and
17 principal charges for state bonds issued for such
18 revenue-producing improvements;
- 19 (3) For operation and maintenance of such improvements
20 constructed from such funds or other funds;
- 21 (4) For the purchase of water or other utilities, goods,
22 commodities, supplies, or equipment needed for



1 services, or to be resold, rented, or furnished on a
2 charge basis to occupants of Hawaiian home lands; and
3 (5) For appraisals, studies, consultants (including
4 architects and engineers), or any other staff services
5 including those in section 202(b) required to plan,
6 implement, develop, or operate these projects.

7 The moneys in this fund may be supplemented by other funds
8 available for or appropriated by the legislature for the same
9 purposes. In addition to such moneys, this fund, with the
10 approval of the governor, may be supplemented by transfers, made
11 on a loan basis from the Hawaiian home loan fund for a period
12 not exceeding ten years; provided that the aggregate amount of
13 such transfers outstanding at any one time shall not exceed
14 \$500,000.

15 In addition, moneys of this fund shall be made available
16 with the prior written approval of the governor for offsite
17 improvements and development necessary to serve present and
18 future occupants of Hawaiian home lands; for improvements,
19 additions, and repairs to all assets owned or leased by the
20 department excluding structures or improvements that the
21 department is obligated to acquire under section 209; for
22 engineering, architectural, and planning services to maintain



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1 and develop properties; for such consultant services as may be
 2 contracted for under this Act; for purchase or lease of
 3 necessary equipment; for acquisition or lease of real property
 4 and interest therein; and for improvements constructed for the
 5 benefit of beneficiaries of this Act and not otherwise permitted
 6 in the various loan funds or the administration account."

7 SECTION 4. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2014.

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INTRODUCED BY:

Melanie Pan
Reina Korte

Wendy [unclear]

[unclear]
[unclear]

[unclear]

Ronald H. Bell
Clarence K. Fiskher



S.B. NO. 3661

Report Title:

Water Resources Management; Underground Water; Hawaiian Home Lands

Description:

Establishes a Hawaiian home lands water permit fee. Requires the fee to be deposited into the Hawaiian home operating fund.

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