

STAND. COM. REP. NO. 575

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 179
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 179, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO IRRIGATION,"

begs leave to report as follows:

The purpose and intent of this measure is to transfer operational authority over certain portions of the East Kauai Irrigation System to the Department of Agriculture.

Specifically, this measure:

- (1) Provides that the portions of the system to be transferred are those portions operated and maintained by the East Kauai Water Users' Cooperative as of December 14, 2020;
- (2) Provides that the relevant portions of the system shall be under the operational authority of the Department of Agriculture until the adoption of rules pursuant to chapter 91, Hawaii Revised Statutes, or until a determination is made that the system can be appropriately operated and maintained pursuant to chapters 167 and 168, Hawaii Revised Statutes;
- (3) Contingent upon the East Kauai Irrigation System becoming a state irrigation system, establishes certain



employment positions within the Department of Agriculture's Agricultural Resource Management Division; and

- (4) Appropriates \$500,000 for fiscal years 2021-2022 and 2022-2023 for the operations and maintenance of the East Kauai Irrigation System.

Your Committee received written comments in support of this measure from the Department of Agriculture; Department of Land and Natural Resources; County of Kauai; Hawaii Farm Bureau; Kalepa Coalition; Larry Jefts Farms, LLC; Saiva Siddhanta Church; Ulupono Initiative; and two individuals.

Your Committee received written comments in opposition to this measure from two individuals.

Your Committee received written comments on this measure from the East Kauai Water Users' Cooperative.

Your Committee finds that the East Kauai Irrigation System includes two reservoirs and twenty-two miles of ditch, and currently services more than twelve thousand five hundred acres of agricultural land, including more than one thousand acres of the state Kalepa lands located between Kapaa and Lihue.

Your Committee further finds that the Department of Land and Natural Resources currently has oversight of the irrigation system. However, the department does not have the resources or expertise to function as a water delivery provider, as its mission is the management and protection of natural, cultural, recreational, and historical resources.

Your Committee further finds that the East Kauai Water Users' Cooperative no longer manages and operates certain portions of the system. Accordingly, the Department of Agriculture's assumption of those operational responsibilities will ensure the ongoing operation of the system and the system's support of local agriculture.



Your Committee has amended this measure by:

- (1) Clarifying that the relevant portions of the East Kauai Irrigation System are those portions operated and maintained by the East Kauai Water Users' Cooperative before December 15, 2020;
- (2) Clarifying that a qualifying event for the discontinuation of certain actions would be the Board of Agriculture's adoption of administrative rules for irrigation water development and irrigation and water utilization with respect to the East Kauai Irrigation System;
- (3) Changing the appropriation from \$500,000 to an unspecified amount;
- (4) Providing that the funds appropriated by the measure shall not be expended if the East Kauai Irrigation System does not become a state irrigation system under the Department of Agriculture;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 179, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 179, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

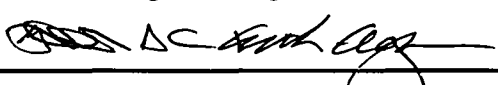


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 179, SD1	AEN, WAM	2/10/21		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.				X
TANIGUCHI, Brian T.				X
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	9			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes