

Honolulu, Hawaii

MAY 02 2023

RE: S.B. No. 833
S.D. 2
H.D. 3
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 833, S.D. 2, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO THE WAHIAWA IRRIGATION SYSTEM,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require the Office of the Governor to negotiate the State's fee simple acquisition of the Wahiawa Irrigation System on the island of Oahu;
- (2) Authorize and appropriate funds for the Department of Agriculture, Agribusiness Development Corporation, and Department of Land and Natural Resources to purchase, repair, and maintain the Wahiawa Irrigation System and the associated spillway; and



- (3) Appropriate funds for positions in the Department of Land and Natural Resources.

Your Committee on Conference finds that the Wahiawa Irrigation System is a vital piece of agricultural infrastructure that supplies water to farmers in Wahiawa, Waialua, and Haleiwa. Your Committee on Conference further finds that the listing for sale of the Wahiawa Irrigation System by Dole Food Company, Inc., warrants the State to take steps to acquire this essential irrigation system in the interest of the public. Therefore, this measure provides the necessary funding for the State to acquire, repair, manage, and maintain the Wahiawa Irrigation System and the associated spillway.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Adding the requisite information for making an appropriation in excess of the general fund expenditure ceiling pursuant to article VII, section 9, of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes;
- (2) Requiring that all users of water associated with the Wahiawa Irrigation System pay such rates sufficient to operate and maintain the irrigation system as prescribed by the Agribusiness Development Corporation;
- (3) Allowing the State to exercise eminent domain to acquire the Wahiawa dam and the spillway and ditch system associated with the Wahiawa Irrigation System, including all parcels in this measure, if negotiations for the acquisition of the property are unsuccessful;
- (4) Inserting an appropriation in the amount of \$5,000,000 for the Department of Agriculture to acquire a fee simple interest in the spillway associated with the Wahiawa Irrigation System; provided that if negotiations for the acquisition are unsuccessful, the appropriation shall be used for an eminent domain action to acquire the property and for associated costs;
- (5) Inserting an appropriation in the amount of \$21,000,000 for the Department of Agriculture to repair and expand the spillway associated with the Wahiawa Irrigation System and to bring the spillway into compliance with all relevant



dam safety requirements, contingent upon the State's acquisition of the property;

- (6) Deleting the unspecified appropriation for the Agribusiness Development Corporation to manage and maintain its acquired portion of the Wahiawa Irrigation System and the spillway and dam acquired by the Department of Agriculture;
- (7) Deleting the unspecified appropriation for the Department of Land and Natural Resources to manage and maintain its acquired portion of the Wahiawa Irrigation System and for the establishment of an unspecified number of full-time equivalent (FTE) positions;
- (8) Inserting language that provides for the repeal of the Act effective July 1, 2026, as a condition subsequent to the State's failure to file or record the transfers of all the properties authorized to be acquired by this measure with the Bureau of Conveyances by June 30, 2026;
- (9) Inserting a lapse provision for moneys unexpended or encumbered on June 30, 2026; provided that the State successfully files and records the transfers of all the properties authorized to be acquired by this measure with the Bureau of Conveyances by June 30, 2026;
- (10) Inserting an effective date of July 1, 2023; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

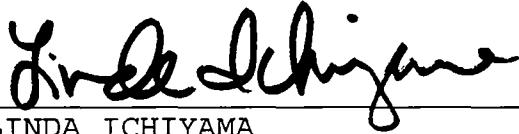
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 833, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 833, S.D. 2, H.D. 3, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

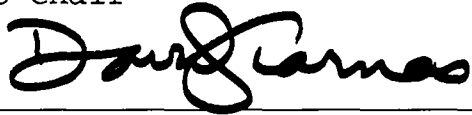
ON THE PART OF THE SENATE



LINDA ICHiyAMA
Co-Chair



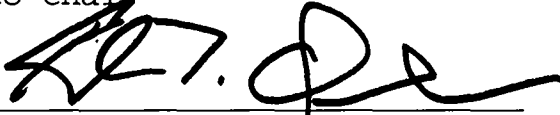
LORRAINE R. INOUYE
Chair



DAVID A. TARNAS
Co-Chair



MIKE GABBARD
Co-Chair



KYLE T. YAMASHITA
Co-Chair



GILBERT S.C. KEITH-AGARAN
Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB/833, SD 2, HD 3	Date/Time: <i>4/28/13 12:05 PM</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
INOUYE, Lorraine R., Chr.	✓				ICHIYAMA, Linda, Co-Chr.	✓			
GABBARD, Mike, Co-Chr.	✓				TARNAS, David A., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				YAMASHITA, Kyle T., Co-Chr.	✓			
ELEFANTE, Brandon J.C.	✓				SOUZA, Kanani	✓			
TOTAL	4				TOTAL	4			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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