

ACT 131

H.B. NO. 2366

A Bill for an Act Relating to the Molokai Irrigation System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1992-1993 to be exceeded by \$5,000, or 0.00016 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act are necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. The legislature finds that a 1987 legislative reference bureau study entitled "The Molokai Irrigation System: A Management Study," recommended the establishment of a more formal role for water users in Molokai irrigation system management decisions. Specifically, the bureau recommended the creation of a Molokai irrigation system water users advisory board as a means of ensuring effective input from users.

Act 179, Session Laws of Hawaii 1987, added a new section to chapter 175, Hawaii Revised Statutes, to establish for a four-year period (until June 6, 1991), the Molokai irrigation system water users advisory board. However, Act 306, Session Laws of Hawaii 1987, provided for the repeal of chapter 175, effective July 1, 1989, concurrent with the transfer of the Molokai irrigation system from the department of land and natural resources to the department of agriculture. Act 306's repeal of chapter 175, without exception for the board, literally terminated the board's existence before the originally intended termination date of June 6, 1991. Act 48, Session Laws of Hawaii 1990, clarified the legislative intent as to the status of the advisory board by re-establishing its existence until June 6, 1991.

The legislature finds that the Molokai irrigation system water users advisory board serves a useful purpose and that its functions should continue.

The purpose of this Act is to re-establish the Molokai irrigation system water users advisory board to advise the department of agriculture on matters of concern to the users of the Molokai irrigation system.

SECTION 3. Chapter 167, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§167-23 Molokai irrigation system water users advisory board; establishment; meetings. (a) There is established a Molokai irrigation system

water users advisory board, to be appointed by the governor under section 26-34. The advisory board shall consist of six members, as follows:

- (1) A homestead farmer user on Molokai;
- (2) A nonhomestead farmer user on Molokai;
- (3) The designee (by name rather than office) of the Molokai Farm Bureau;
- (4) The designee (by name rather than office) of Hikiola Cooperative, Inc.;
- (5) The designee (by name rather than office) of the Molokai-Lanai soil and water conservation district; and
- (6) The designee (by name rather than office) of the department of Hawaiian home lands.

The members of the advisory board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of their duties. For administrative purposes, and pursuant to section 26-35, the advisory board shall be placed within the department of agriculture.

(b) The advisory board shall meet with the department of agriculture at least six times each year. The meetings shall be held on Molokai, whenever possible.

The advisory board's duties and responsibilities shall be to advise the department on matters of concern to the users of the system, to provide support for improvements to the irrigation facilities, to participate in the long-range planning of the system, and to act as liaison between the users and the department."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000, or so much thereof as may be necessary for fiscal year 1992-1993, to reimburse the advisory board members for necessary expenses, including travel expenses, incurred in the performance of their duties. The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval; provided that Section 3 shall take effect on July 1, 1992.

(Approved June 3, 1992.)

Note

1. Edited pursuant to HRS §23G-16.5.