

ACT 154

S.B. NO. 633

A Bill for an Act Relating to Water.

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

SECTION 1. Section 167-23, Hawaii Revised Statutes, is amended 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]~~ seven 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 County 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.]~~ A homestead farmer user whose nomination has been recommended by Moku Puni O Molokai, as determined pursuant to a process established by that organization, and approved for submittal to the governor by majority vote of all homesteaders then serving on the advisory board; and
- (7) The supervisor of the Molokai district office of the department of Hawaiian home lands who shall serve as an ex officio voting member.

~~(b) All members of the advisory board shall be:~~

- ~~(1) Molokai irrigation system users;~~
- ~~(2) Residents of the island of Molokai; and~~
- ~~(3) Active general excise tax licensees.~~

(c) The members of the advisory board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses, including travel 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)~~ (d) 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:

- (1) Advise the department of agriculture on matters of concern to the users of the system~~, to provide~~;
- (2) Provide support for improvements to the irrigation facilities~~, to participate~~;
- (3) Participate in the long-range planning of the system~~; and to act~~;
- (4) Act as liaison between the users and the department ~~of agriculture~~.

(e) Four members of the advisory board shall constitute a quorum at any meeting. No member of the advisory board shall be qualified to act in matters directly involving a company or organization of which the advisory board member is an officer, director, member, or full-time employee, or to which the advisory board member is indebted.

(f) For the purpose of this section:

"Homestead farmer user" means an individual who qualifies under the requirements set forth in the department of Hawaiian home lands administrative rules, farms a homestead parcel owned by the department of Hawaiian home lands, and is served by the Molokai irrigation system.

"Kupuna homestead farmer user" means an individual who resides on a homestead parcel on Molokai, with a Molokai irrigation system water meter. The individual shall be a former or current farmer who is working or has worked in the agricultural industry on Molokai."

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

SECTION 3. This Act shall take effect on July 1, 2010.

(Approved June 1, 2010.)