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## HAWAII NEWS

# State Senate leaders say they don't intend to revive water bill

By [Sophie Cocke](#) • April 9, 2019

Leaders in the Senate say they have no plans to revive a controversial bill that would extend the deadline for Alexander & Baldwin and other water users to convert their water permits into long-term leases, contrary to a flurry of concerns from the bill's opponents that the Senate might attempt a last-ditch maneuver to ram the measure through the Legislature.

House Bill 1326 [was shelved](#) during a joint hearing before the Senate Committee on Water and Land and Senate Committee on Ways and Means last week after Sen. Kai Kahele proposed amendments to the bill that in effect would have excluded A&B from a seven-year deadline extension, while allotting that time to other permit holders — including the electrical utilities on Kauai and Hawaii island, and an assortment of farmers, ranchers and other users.

The amended version of the bill narrowly passed Kahele's Water and Land Committee. However, Ways and Means Chairman Donovan Dela Cruz appeared to kill the bill by deferring it indefinitely.

Dela Cruz told the Honolulu Star-Advertiser he deferred the measure because the House already had indicated it wouldn't agree to any amendments. He also said he didn't think that cutting A&B out of the bill was good for efforts to promote diversified agriculture in Central Maui, concerns shared by the committee's vice chairman, Sen. Gil Keith- Agaran.

A&B recently sold extensive tracts of land in Central Maui to Mahi Pono LLC, which is seeking to convert the former sugar cane fields to diversified agriculture. If Mahi Pono isn't able to obtain needed water for its future ag operations, A&B could have to pay the company as much as \$62 million, according to the sales agreement.

Opponents of the bill, including the Native Hawaiian Legal Corp., which for two decades fought A&B over its water diversions on behalf of Maui taro farmers, and the Hawaii Sierra Club celebrated the demise of the bill, while saying they would have supported Kahele's version as well.

However, some grew concerned over the weekend that the Senate would attempt a rare and controversial move to resurrect the House version of the bill that included A&B. Referred to as the "nuclear option," Senate leadership could bypass the subject-matter committees and put the bill to a full vote on the floor of the Senate. The 25-member Senate would need nine votes to put the bill to a vote. The bill would then need 13 votes to pass, in which case it could go straight to Gov. David Ige for decision making.

On Sunday, Bart Dame, a longtime progressive member of the Democratic Party, put out an alert on his personal Facebook page warning that on Tuesday a group of senators "acting on behalf of Alexander & Baldwin are expected to use extraordinary means to yank the water bill from the control of the committees, amend it to grant A&B water rights it does not have under current law, so A&B can deliver those water rights to the company that bought its land."

The Hawaii Sierra Club put out a news release Monday also warning that a handful of senators might try to put the bill to a floor vote and urging the measure's opponents to "flood the inboxes" of senators, call their offices and "bring power to the people" by attending today's floor session at the Capitol.

Former state senator and progressive activist Gary Hooser put out an email warning of the "outrageous attempt to subvert the process and put the interests of the moneyed and powerful ahead of the public."

However, senators Monday said that they weren't seeking to resurrect the bill, a move that some say could spur a leadership change if it didn't have enough support.

Dela Cruz said Friday that the bill was dead, and on Monday reiterated that the Senate was not planning to go to extraordinary lengths to revive it.

"I haven't heard anything of the sort," he said.

Senate President Ron Kouchi also said he wasn't going to try to put the bill to a vote by the full Senate.

Kouchi and House Speaker Scott Saiki also both denied reports that House leadership was pressuring them to hold the vote.

"The report that the House leadership is pressuring the Senate to advance [HB 1326](#) during its floor session is not true," said Saiki in a statement. "At this point, it is entirely up to the Senate leadership to determine how it wants to proceed. Whatever the leadership decides, it is important that the Legislature be civil and reasoned, rather than divisive."

Without the bill, water users such as A&B, Hawaii Electric Light Co., Kauai Island Utility Cooperative, Kuahiwi Ranch, East Kauai Users Cooperative and others have until the end of the year to complete the process for obtaining long-term leases, according to DLNR. That includes completing environmental reviews, watershed management plans and consultations with Native Hawaiian beneficiaries. Hawaii's Department of Land and Natural Resources also has to appraise the cost of the water and administer public auctions for many of the users. In some cases the department also might need to establish how much water needs to remain in streams.

The water users have said they are in various stages of completing that process.

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**Mike Tsai is on leave. His Incidental Lives column will resume when he returns.**

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