



# University of Hawaii at Manoa

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SB 2139-84  
INTERIM WATER USE CONTROL

Statement for  
Senate Committee on  
Economic Development  
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By  
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SB 2139 (and a companion bill HB 2503) would replace Chapter 177 of Hawaii Revised Statutes, which provides for the regulation of groundwater development and use with a new chapter relating to "Interim Water Use Control." This statement on the bill does not reflect an institutional position of the University of Hawaii.

Two bills that would have replaced the the development and care of groundwater resources with more general controls but were not identified as interim in nature were considered by the 1983 legislature: SB 138 = HB 254 and SB 952 = HB 1010. In reviewing these earlier bills for 1983 legislative committees, we suggested that the extension of the regulatory scheme to include water resources in general should be postponed until the Advisory Study Commission on Water Resources had provided its recommendations concerning a water code for Hawaii. We do not believe that the water code will determine what regulatory powers will be desirable, but we do believe that the water code will have an important influence on the form in which those regulatory powers are provided.

We note that Act 170 (1982) calls for the Commission to present its findings and recommendations to the Legislature 20 days prior to the convening of the 1985 Session, and that the schedule of the Commission calls for preparation of a tentative code in August 1984 and for finalization of its findings regarding regulation in July 1984. Although testimony was presented to the 1983 legislative committee concerning the deterrence to the development of surface water resources that was resulting from unclarity as to water rights and uncertainty as to future regulations, we suggest that the need for extension of regulatory powers over regarding water resources use and development is not so urgent as to justify adoption of an interim regulatory scheme that may have to be significantly revised when the water code is adopted.

We will, in the Environmental Center and Water Resources Research Center, review in detail the regulatory provisions proposed in SB 2139-84 (and HB 2503-84) as well as those in the 1983 bills, soliciting the assistance of persons not on our staffs who have competence in water law, the various uses of water, and the economics of water use. Our intent will be to be in a position to advise the Legislature concerning water regulatory bills considered in the 1985 session and, to the extent we are consulted, to advise earlier on the drafting of such bills.