

---

---

# A BILL FOR AN ACT

RELATING TO IRRIGATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

- 1           SECTION 1. (a) The following positions are established  
2 within the agricultural resource management division of the  
3 department of agriculture:
- 4           (1) One full-time equivalent (1.0 FTE) irrigation district  
5 manager position (SR21);
- 6           (2) Three full-time equivalent (3.0 FTE) irrigation system  
7 worker II positions (BC07); and
- 8           (3) One full-time equivalent (1.0 FTE) office assistant  
9 III position (SR08).
- 10          (b) The portions of the east Kauai irrigation system  
11 operated and maintained by the east Kauai water users'  
12 cooperative as of July 1, 2018, may be placed under the  
13 operational authority of the department of agriculture until  
14 such time that:
- 15          (1) The department of agriculture's adoption of rules  
16 pursuant to chapter 91, Hawaii Revised Statutes, for



1           the operation and maintenance of the system is  
2           completed; or

3           (2) A determination is made that the system can be  
4           appropriately operated and maintained pursuant to  
5           chapters 167 and 168, Hawaii Revised Statutes.

6   Until the system is transferred to the appropriate program, the  
7   operational authority shall not be governed by chapter 167 or  
8   168, Hawaii Revised Statutes, for acreage assessment or water  
9   delivery fees. The department of agriculture may contract with  
10   the east Kauai water users' cooperative to authorize the  
11   cooperative to bill and collect any fees from the users of the  
12   irrigation system and to enter into any and all contracts  
13   necessary to operate and maintain the system, including  
14   operation and maintenance contracts while positions are filled.

15   All fees collected by the east Kauai water users' cooperative  
16   shall be deposited into the general fund of the State by the  
17   department of agriculture.

18           (c) The three-year water licensing deadline may be  
19   extended for up to two years; provided that the applicant  
20   demonstrates significant progress in the permit application  
21   process.



1 SECTION 2. All appropriations, records, equipment,  
 2 machines, files, supplies, contracts, books, papers, documents,  
 3 maps, and other personal property heretofore made, used,  
 4 acquired, or held by the east Kauai water users' cooperative  
 5 relating to the functions transferred to the department of  
 6 agriculture shall be listed in a full accounting to the  
 7 department of agriculture with the functions to which they  
 8 relate.

9 SECTION 3. The director of finance is authorized to issue  
 10 general obligation bonds in the sum of \$ or so much  
 11 thereof as may be necessary and the same sum or so much thereof  
 12 as may be necessary is appropriated for fiscal year 2018-2019  
 13 for the purpose of assisting the department of agriculture's  
 14 agricultural resource management division with plans, designs,  
 15 land acquisition, and equipment to increase state irrigation  
 16 system capacity statewide, including:

- 17 (1) \$ for planning;
- 18 (2) \$ for design;
- 19 (3) \$ for land acquisition; and
- 20 (4) \$ for equipment.



1           The sum appropriated shall be expended by the department of  
2 agriculture for the purposes of this Act.

3           SECTION 4. The appropriation made for the capital  
4 improvement project authorized by section 3 of this Act shall  
5 not lapse at the end of the fiscal biennium for which the  
6 appropriation is made; provided that all moneys from the  
7 appropriation unencumbered as of June 30, 2020, shall lapse as  
8 of that date.

9           SECTION 5. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$           or so much  
11 thereof as may be necessary for fiscal year 2018-2019 for the  
12 operations and maintenance of the east Kauai irrigation system,  
13 including the following agricultural resource management  
14 division staff salaries and expenses:

15           (1) One full-time equivalent (1.0 FTE) irrigation district  
16 manager position (SR21) established pursuant to this  
17 Act;

18           (2) Three full-time equivalent (3.0 FTE) irrigation system  
19 worker II positions (BC07) established pursuant to  
20 this Act;



- 1 (3) One full-time equivalent (1.0 FTE) office assistant
- 2 III position (SR08) established pursuant to this Act;
- 3 (4) Fifty per cent of the funding for the engineering
- 4 program manager position (EM07-PN: 40998); and
- 5 (5) Fifty per cent of the funding for the agricultural
- 6 lands program manager position (EM05-PN: 122475).

7 The sum appropriated shall be expended by the department of  
8 agriculture for the purposes of this Act.

9 SECTION 6. (a) The attorney general shall:

- 10 (1) Review the revocable permit issued by the department
- 11 of land and natural resources to the East Kauai Water
- 12 Users' Cooperative for operation and maintenance of
- 13 portions of the east Kauai irrigation system; and
- 14 (2) Determine whether this Act creates any legal conflicts
- 15 with the revocable permit under paragraph (1).

16 (b) The attorney general shall submit a report of its  
17 findings and recommendations, including any proposed  
18 legislation, to the legislature no later than twenty days prior  
19 to the convening of the regular session of 2019.

20 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

East Kauai Irrigation System; Transfer of Operational Authority;  
DOA; AG; DLNR; Appropriation

**Description:**

Permits the transfer of operational authority over the portions of the east Kauai irrigation system operated and maintained by the East Kauai Water Users' Cooperative as of 7/1/2018, to the Department of Agriculture upon adoption of rules. Establishes positions within the agricultural resource management division. Authorizes GO bonds. Makes an appropriation. Requires the Attorney General to review the permit issued by the Department of Land and Natural Resources to the East Kauai Water Users' Cooperative for legal conflicts and submit a report of its findings to the Legislature. (SB2846 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

