

ACT 102

H.B. NO. 1577

A Bill for an Act Relating to Irrigation Water Projects.

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

SECTION 1. Section 167-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a) The board of agriculture shall also have the power to:
- (1) Establish and certify the total amount of acreage assessments to be levied annually and collect the assessments within each project;
 - (2) Set and from time to time revise tolls that it shall charge for the water provided by its facilities, subject to the rate policies established hereunder;
 - (3) Establish priorities between the several lands included in a project according to the use to which the lands are put or other reasonable basis for classification;
 - (4) Govern the furnishing of water in the event of a shortage of supply and to correlate water tolls with these priorities;
 - (5) Charge and collect water tolls, fees, and other charges established in connection herewith;
 - (6) Sell, exchange, transfer, assign, or pledge any property, real or personal, or any interest therein, to any person, firm, corporation, or government, except as prohibited by the laws of the State;
 - (7) Hold, clear, and improve property;
 - (8) Borrow money for any of the purposes hereunder;
 - (9) Insure or provide for the insurance of the property or operations of the board against such risks as the board may deem advisable;
 - (10) Include in any construction contract executed in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum

- hours of labor, and comply with any conditions that the federal government may have attached to its financial aid of the project;
- (11) Delegate to the chairperson or employees of the department, subject to the board's control and responsibility, powers and duties as may be lawful or proper for the performance of the functions vested in the board;
 - (12) Set, charge, and collect interest and a service charge on delinquent payments due on water tolls, acreage assessments, or other related accounts; provided that the rate of interest shall not exceed one per cent per month and the service charge shall not exceed \$7 for each delinquent payment; [and]
 - (13) Collect delinquent acreage assessments in accordance with sections 231-61 to 231-70; provided that the chairperson shall have all of the powers provided to the director of taxation or state tax collector under chapter 231 that may be necessary or convenient to collect delinquent acreage assessments[.];
 - (14) Accept a security interest in real or personal property for a debt restructured under a payment plan for delinquent water tolls, acreage assessments, or other related irrigation project accounts subject to the rate of interest set forth in paragraph (12); and
 - (15) Foreclose upon or otherwise enforce the security interest accepted under paragraph (14) by any method provided for by law and to hold title to, maintain, use, manage, operate, sell, lease, or otherwise dispose of that personal or real property to recover the debt secured."

SECTION 2. Section 171-2, Hawaii Revised Statutes, is amended to read as follows:

"§171-2 Definition of public lands. "Public lands" means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; including submerged lands, and lands beneath tidal waters which are suitable for reclamation, together with reclaimed lands which have been given the status of public lands under this chapter, except:

- (1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended;
- (2) Lands set aside pursuant to law for the use of the United States;
- (3) Lands being used for roads and streets;
- (4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the State Constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;
- (5) Lands to which the University of Hawaii holds title;
- (6) Lands to which the housing and community development corporation of Hawaii in its corporate capacity holds title;
- (7) Lands to which the Hawaii community development authority in its corporate capacity holds title;
- [[(8)]] Lands to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys

loaned[;] or to recover debts otherwise owed the department under chapter 167; and

[[](9)[]] Lands which are set aside by the governor to the Aloha Tower development corporation; lands leased to the Aloha Tower development corporation by any department or agency of the State; or lands to which the Aloha Tower development corporation holds title in its corporate capacity.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 3, 1998.)