

ACT 107

S.B. NO. 995

A Bill for an Act Relating to Irrigation Water Development.

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

SECTION 1. In 1987, the legislature determined that the development of irrigation was necessary for the development of agriculture in the State and enacted chapter 167, Hawaii Revised Statutes. Since that time, the agricultural resource management division has grown considerably. Where once the division dealt with \$2,000,000 in projects, it now oversees over \$100,000,000 in projects.

Furthermore, in 2003, through Act 90, the legislature established the groundwork for the non-agricultural park lands program and consequently made the agricultural resource management division the largest land program within the department of agriculture. However, this growth in work volume and responsibility has not been matched by an increase in the necessary staffing. The agricultural resource management division has been forced to take on more responsibility with limited staffing and resources.

The purpose of this Act is to create the management framework necessary to oversee the agricultural resource management division so that it can be expanded to meet the growing responsibilities that the division faces.

SECTION 2. Section 167-3, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§167-3]] Engineering program [manager] administrator.~~ The board of agriculture shall appoint a registered professional engineer who shall act as engineering program [manager] administrator of the irrigation water development program and have such qualifications as the board may deem necessary. The appointment and removal of the engineering program [manager] administrator shall be in accordance with chapter 76 and the engineering program [manager] administrator shall perform duties as set forth by the board.”

SECTION 3. Section 167-19, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All irrigation projects established pursuant to this chapter shall be administered by the board of agriculture. In making the final determination to establish a project, the board shall:

- (1) Determine the proportion of acreage assessments to be borne by the agricultural land and pasture land within the project; and
- (2) Have the engineering program [manager] administrator prepare a map setting forth in detail the exterior boundaries of the lands to be included within the project and an acreage assessment roll listing all known land occupiers whose lands are to be included within the project. The proportion of acreage assessments to be borne by pasture land, at the discretion of the board, may be less than but not more than the proportion to be borne by agricultural land, in which event the agricultural land shall be first served with water in times of drought or shortage of supply. The proportions to be borne by agricultural and pasture lands shall be certified by the board and shall

not be changed after final determination to establish the project, except in conjunction with a redefinition of the boundaries of or consolidation or separation of the project, and then only in the manner and within the limitations specified in conjunction therewith.

The board shall determine and certify on or before June 30 of each year the amount of acreage assessments necessary in that fiscal year for the acquisition, construction, operation, and maintenance of irrigation facilities for each project, and the acreage of agricultural and pasture land of each land occupier within the project. The department shall immediately notify the land occupiers of the amounts assessed on the respective properties and the payment due date.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 14, 2013.)