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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL WATER SECURITY.

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

1           SECTION 1. In accordance with the strategic plan developed  
2 by the United States Department of Agriculture, the legislature  
3 finds that agricultural water security is essential to  
4 maintaining public health and well-being, cultivate food, fiber,  
5 and energy crops in the future, and enhancing rural recreation  
6 and community aesthetics. Funds for sustaining and expanding  
7 surface water irrigation systems and reservoir storage are  
8 essential investments for Hawaii's sustainable agricultural  
9 security.

10           Water availability and security for agriculture are  
11 inseparable from the costs of energy. With the exception of  
12 gravity-fed plantation era irrigation systems, water for most  
13 agricultural enterprises in Hawaii entails the costs of  
14 transmission, fuel, pumping, storage, hauling, and field  
15 application.

16           The legislature further finds that reservoirs critical to  
17 agricultural production are threatened with decommission due to  
18 the costs of maintenance. Further upgrades for public safety



1 require a public funding stream to achieve standards of safety,  
2 sustainability, and continued service to farmers and ranchers in  
3 Hawaii.

4 The purpose of this Act is to ensure and enhance the  
5 security of the water supply for agriculture in the state.

6 SECTION 2. Chapter 167, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 **"§167- Agricultural water security; electrical power;**  
10 **emergencies.** (a) When electrical power is available from  
11 independent power producers and private cogeneration facilities  
12 in excess of electric utility transmission capacity or the  
13 utility contract obligations of independent power producers,  
14 electrical power may be diverted to public and private  
15 agricultural water systems for irrigation of agricultural lands;  
16 provided that electricity shall be provided at or below existing  
17 avoided cost contract power purchase agreements between electric  
18 utilities and independent power producers and cogeneration  
19 facilities.

20 (b) In the event of an emergency declared by the governor,  
21 electric power, to the fullest extent possible, shall be



1 diverted directly to agricultural pumping facilities for the  
2 purpose of maintaining agricultural water security."

3 SECTION 3. The Hawaii Revised Statutes is amended by  
4 adding a new section to be appropriately designated and to read  
5 as follows:

6 "§ - Agricultural water security revolving fund. (a)

7 There is established the agricultural water security revolving  
8 fund, into which shall be deposited all moneys appropriated to  
9 the fund by the legislature.

10 (b) The agricultural water security revolving fund shall  
11 be administered by the . Moneys in the revolving fund shall  
12 be expended for projects that enhance and ensure the security of  
13 the water supply and irrigation systems for agriculture in the  
14 state, including:

15 (1) Maintenance and upgrade of water wells, reservoirs,  
16 dams, water storage facilities, water pipelines,  
17 ditches, and irrigation systems not operated by the  
18 department of agriculture or agribusiness development  
19 corporation;

20 (2) Administrative costs, engineering surveys, economic  
21 studies, plans, and maps; and



1       (3) Other agricultural water security projects or purposes  
2           of the \_\_\_\_\_.

3       (c) The state drought coordinator and county drought  
4 committees shall make an annual assessment of the state's  
5 agricultural water security needs and shall submit funding  
6 recommendations to the \_\_\_\_\_; provided that priority for  
7 investments in the maintenance and upgrade of facilities that  
8 promote agricultural water security shall be given to  
9 agricultural enterprises located on important agricultural lands  
10 as defined in chapter 205."

11       SECTION 4. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so much  
13 thereof as may be necessary for fiscal year 2008-2009 for  
14 deposit into the agricultural water security revolving fund.

15       SECTION 5. There is appropriated out of the agricultural  
16 water security revolving fund the sum of \$ \_\_\_\_\_ or so much  
17 thereof as may be necessary for fiscal year 2008-2009 for the  
18 purposes of this Act.

19       The sum appropriated shall be expended by the \_\_\_\_\_ for the  
20 purposes of this Act.

21       SECTION 6. New statutory material is underscored.

22       SECTION 7. This Act shall take effect on July 1, 2008.



**Report Title:**

Agricultural Water Security

**Description:**

Establishes measures for preserving the security of the State's agricultural water supply in the event of an emergency. Creates the agricultural water security revolving fund. Makes appropriation. Effective 7/1/08. (HB2965 HD1)

