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## A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1           SECTION 1. Chapter 167, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§167-    Agricultural water systems; agreement for power.

5 When an agricultural water system necessitates the use of  
6 electrical power or backup generators to pump ground water for  
7 irrigation, the person who controls, operates, or manages the  
8 system may negotiate an agreement for the production of power  
9 for the agricultural water system."

10          SECTION 2. Section 209-10, Hawaii Revised Statutes, is  
11 repealed.

12          ~~["§209-10] Agricultural water systems; emergency power.~~

13 ~~When the governor has declared that a disaster has occurred for~~  
14 ~~any portion of the State, pursuant to section 209-2, which~~  
15 ~~results in damage to an agricultural water system that~~  
16 ~~necessitates the temporary use of electrical power or backup~~  
17 ~~generators to pump ground water for irrigation until the system~~



1 ~~can be repaired, the person who controls, operates, or manages~~  
 2 ~~the system may negotiate an agreement for the production of~~  
 3 ~~emergency power for the agricultural water system. The~~  
 4 ~~agreement shall terminate when the governor determines that the~~  
 5 ~~disaster emergency relief period is terminated.~~

6 ~~If the negotiated agreement is with an independent power~~  
 7 ~~producer that is not currently regulated by the public utilities~~  
 8 ~~commission, the execution of the agreement shall not cause the~~  
 9 ~~independent power producer to become subject to the jurisdiction~~  
 10 ~~of the public utilities commission."]~~

11 SECTION 3. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

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

14 INTRODUCED BY: Cindy Evans

JAN 27 2009

**Report Title:**

Agriculture; Water Systems; Power

**Description:**

Permits any person who controls, operates, or manages an agricultural water system to negotiate an agreement of power as deemed necessary.

