
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 \$2,000,000 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) \$1,997,000 for planning;
18 (2) \$1,000 for design;
19 (3) \$1,000 for land acquisition; and
20 (4) \$1,000 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 non-
10 agricultural park lands special fund the sum of \$ or
11 so much thereof as may be necessary for fiscal year 2018-2019 to
12 be deposited into the general revenues of the State of Hawaii.

13 SECTION 6. There is appropriated out of the agricultural
14 park special fund the sum of \$ or so much thereof as
15 may be necessary for fiscal year 2018-2019 to be deposited into
16 the general revenues of the State of Hawaii.

17 SECTION 7. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so much
19 thereof as may be necessary for fiscal year 2018-2019 for the
20 operations and maintenance of the east Kauai irrigation system,



1 including the following agricultural resource management
2 division staff salaries and expenses:

3 (1) One full-time equivalent (1.0 FTE) irrigation district
4 manager position (SR21) established pursuant to this
5 Act;

6 (2) Three full-time equivalent (3.0 FTE) irrigation system
7 worker II positions (BC07) established pursuant to
8 this Act;

9 (3) One full-time equivalent (1.0 FTE) office assistant
10 III position (SR08) established pursuant to this Act;

11 (4) Fifty per cent of the funding for the engineering
12 program manager position (EM07-PN: 40998); and

13 (5) Fifty per cent of the funding for the agricultural
14 lands program manager position (EM05-PN: 122475).

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

17 SECTION 8. (a) The attorney general shall:

18 (1) Review the revocable permit issued by the department
19 of land and natural resources to the East Kauai Water
20 Users' Cooperative for operation and maintenance of
21 portions of the east Kauai irrigation system; and



1 (2) Determine whether this Act creates any legal conflicts
2 with the revocable permit under paragraph (1).

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

7 SECTION 9. 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. Transfers moneys from the non-agricultural park lands special fund and the agricultural park lands special fund to the general fund. 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. Effective 7/1/2050. (SD2)

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

