

JAN 17 2020

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 department of agriculture's agricultural resource
3 management division:

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) All rights, powers, functions, and duties relating to
11 the operational functions of the portions of the east Kauai
12 irrigation system operated and maintained by the east Kauai
13 water users' cooperative as of July 1, 2020, shall be
14 transferred to the department of agriculture until the adoption
15 of rules pursuant to chapter 91, Hawaii Revised Statutes, is
16 completed or until the chairperson of the board of agriculture
17 determines that the system can be appropriately operated and



1 maintained pursuant to chapters 167 and 168, Hawaii Revised
2 Statutes.

3 (c) Until the system is transferred to the appropriate
4 program, acreage assessment and water delivery fees shall not be
5 governed by chapter 167 or 168, Hawaii Revised Statutes. The
6 department of agriculture may contract with the east Kauai water
7 users' cooperative to bill and collect any fees and to enter
8 into any contracts necessary to operate and maintain the system
9 while positions are filled.

10 (d) The department of agriculture shall deposit into the
11 State's general fund all fees collected by the east Kauai water
12 users' cooperative pursuant to subsection (c).

13 (e) The three-year deadline given by the department of
14 land and natural resources to the east Kauai water users'
15 cooperative to obtain a stream diversion works permit may be
16 extended for no more than two years, until July 1, 2022;
17 provided that the applicant demonstrates significant progress in
18 the permit application process. For purposes of this
19 subsection, "significant progress" means that the applicant, at
20 minimum, has submitted a completed stream diversion works permit
21 application to the commission on water resource management.



1 SECTION 2. All appropriations, records, equipment,
2 machines, files, supplies, contracts, books, papers, documents,
3 maps, and other property heretofore made, used, acquired, or
4 held by the east Kauai water users' cooperative relating to the
5 functions transferred to the department of agriculture shall be
6 transferred with the functions to which they relate and listed
7 and described in a full accounting to the department.

8 SECTION 3. The director of finance is authorized to issue
9 general obligation bonds in the sum of \$ or so much
10 thereof as may be necessary and the same sum or so much thereof
11 as may be necessary is appropriated for fiscal year 2020-2021
12 for the purpose of assisting the agricultural resource
13 management division with plans, designs, land acquisition, and
14 equipment to increase state irrigation system capacity
15 statewide, including:

- 16 (1) \$ for planning;
- 17 (2) \$ for design;
- 18 (3) \$ for land acquisition; and
- 19 (4) \$ for equipment.

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

1 SECTION 4. The appropriation made for the capital
2 improvement project authorized by this Act shall not lapse at
3 the end of the fiscal biennium for which the appropriation is
4 made; provided that all moneys from the appropriation
5 unencumbered as of June 30, 2023, shall lapse as of that date.

6 SECTION 5. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2020-2021 for
9 the operations and maintenance of the east Kauai irrigation
10 system, including the following agricultural resource management
11 division staff salaries:

12 (1) One full-time equivalent (1.0 FTE) irrigation district
13 manager position (SR21) established pursuant to this
14 Act;

15 (2) Three full-time equivalent (3.0 FTE) irrigation system
16 worker II positions (BC07) established pursuant to
17 this Act;

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

20 (4) Fifty per cent of the funding for the engineering
21 program manager position (EM07-PN: 40998), which shall



S.B. NO. 2099

1 be transferred from the non-agricultural park lands
 2 special fund to the general fund; and
 3 (5) Fifty per cent of the funding for the agricultural
 4 lands program manager position (EM05-PN: 122475),
 5 which shall be transferred from the agricultural park
 6 special fund to the general fund.

7 The sums appropriated shall be expended by the department
 8 of agriculture for the purposes of this Act.

9 SECTION 6. This Act shall take effect on July 1, 2020.

10

INTRODUCED BY: *Mun. Ct.*
By Request



S.B. NO. 2099

Report Title:

CIP; GO Bonds; HDOA; East Kauai Irrigation System; Transfer of Operational Authority; Staffing; Appropriation

Description:

Transfers to the Department of Agriculture operational authority over portions of the East Kauai Irrigation System operated and maintained by the East Kauai Water Users' Cooperative as of 7/1/2020. Provides a conditional extension to acquire required permits. Establishes staffing positions. Authorizes general obligation bonds for a statewide irrigation system capital improvement project. Appropriates funds.

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

