

---

# A BILL FOR AN ACT

RELATING TO IRRIGATION.

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

1           SECTION 1.   (a)   The portions of the east Kauai irrigation  
2   system operated and maintained by the east Kauai water users'  
3   cooperative as of December 14, 2020, shall be placed under the  
4   operational authority of the department of agriculture until the  
5   adoption of rules pursuant to chapter 91, Hawaii Revised  
6   Statutes, is completed or until a determination is made that the  
7   system can be appropriately operated and maintained pursuant to  
8   chapters 167 and 168, Hawaii Revised Statutes.

9           (b)   Until the system is transferred to the appropriate  
10   program, acreage assessment and water delivery fees shall not be  
11   governed by chapters 167 or 168, Hawaii Revised Statutes.   The  
12   department of agriculture may enter into any contracts necessary  
13   to bill and collect any fees and to operate and maintain the  
14   system.

15           (c)   The department of agriculture shall deposit all fees  
16   collected from the water users of the east Kauai irrigation  
17   system into the State's general fund until such time that the



1 adoption of rules pursuant to chapter 91, Hawaii Revised  
2 Statutes, is completed or until the system can be operated and  
3 maintained appropriately pursuant to chapters 167 and 168,  
4 Hawaii Revised Statutes, then, at such time the fees shall be  
5 deposited into the appropriate fund, if applicable.

6 (d) The three-year water licensing deadline may be  
7 extended for up to two years; provided that the applicant  
8 demonstrates significant progress in the permit application  
9 process.

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

17 SECTION 3. Contingent upon the east Kauai irrigation  
18 system becoming a state irrigation system under the department  
19 of agriculture pursuant to this Act, the following positions  
20 shall be established within the department of agriculture's  
21 agricultural resource management division:



- 1           (1) One full-time equivalent (1.0 FTE) irrigation district  
2           manager position;
- 3           (2) Three full-time equivalent (3.0 FTE) irrigation system  
4           worker II positions; and
- 5           (3) One full-time equivalent (1.0 FTE) office assistant  
6           position.

7           SECTION 4. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$500,000 or so much  
9 thereof as may be necessary for fiscal year 2021-2022 and the  
10 same sum or so much thereof as may be necessary for fiscal year  
11 2022-2023 for the operations and maintenance of the east Kauai  
12 irrigation system.

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

15           SECTION 5. This Act shall take effect on July 1, 2021.



**Report Title:**

Department of Agriculture; East Kauai Irrigation System;  
Transfer of Operational Authority; Appropriation

**Description:**

Transfers operational authority over portions of the east Kauai irrigation system operated and maintained by the east Kauai water users' cooperative as of 12/14/20, to the Department of Agriculture. Appropriates funds. (SD1)

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

