

JAN 19 2024

A BILL FOR AN ACT

RELATING TO THE KOHALA DITCH.

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

1 SECTION 1. The legislature finds that the Kohala ditch,
2 completed in 1906, is an integral component of Hawaii's
3 agricultural infrastructure and has played a crucial role in
4 providing water for agricultural activities in the North Kohala
5 region of Hawaii island. The Kohala ditch is a lifeline for the
6 surrounding community, providing a reliable source of water for
7 domestic use and supporting the growth of vibrant and
8 sustainable agricultural practices. The agricultural sector in
9 the region has been a cornerstone of the local economy,
10 fostering economic growth, providing jobs, and contributing to
11 the State's food security and economic diversification. A
12 well-maintained Kohala ditch ensures the sustained productivity
13 of local farms, preserving and enhancing the economic viability
14 of agriculture in the region.

15 The legislature further finds that in 2006, a 6.7 magnitude
16 earthquake in Kiholo Bay damaged the Kohala ditch system,
17 causing the flow of water to stop and adversely impacting



1 farmers, ranchers, businesses, the community, and the entire
2 State. The legislature responded by appropriating \$500,000 for
3 emergency repairs in conjunction with a \$2,000,000 appropriation
4 by the United States Congress for general repairs. The
5 expenditure of state and federal appropriations was vital in
6 restoring the Kohala ditch, which became operational again in
7 late 2010. Since then, the Kohala ditch has been periodically
8 inoperative and threatened by flash flooding that has caused
9 ditch infrastructure failures and water restrictions.

10 The legislature recognizes that the Kohala ditch has
11 historical and cultural significance beyond its utility as a
12 water resource. The Kohala ditch represents the enduring
13 relationship between the community and the land, and serves as a
14 testament to the innovation and resourcefulness of those who
15 designed and built it. By investing in the continued
16 maintenance and refurbishment of the Kohala ditch, the State
17 recognizes the economic benefits derived from a robust
18 agricultural industry, including job creation, revenue
19 generation, and the promotion of local businesses. The
20 refurbishment of the Kohala ditch also aligns with the State's
21 commitment to environmental stewardship by ensuring the



1 efficient use of water resources and reducing the environmental
2 footprint associated with alternative water supply solutions.

3 Accordingly, the purpose of this Act is to:

4 (1) Place the responsibility of routine maintenance,
5 repair, and refurbishment of the Kohala ditch with the
6 department of agriculture to ensure the Kohala ditch's
7 proper functioning and efficiency;

8 (2) Require the department of agriculture to develop and
9 implement a comprehensive plan for the maintenance and
10 refurbishment of the Kohala ditch;

11 (3) Require the department of agriculture to submit an
12 annual report to the legislature detailing the
13 progress and expenditures related to the maintenance
14 and refurbishment of the Kohala ditch; and

15 (4) Appropriate moneys for the inspection, repair, and
16 maintenance of the Kohala ditch.

17 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
18 amended by adding a new section to part I to be appropriately
19 designated and to read as follows:



1 "§141- Kohala ditch program. (a) The department of
2 agriculture shall be responsible for the routine maintenance and
3 repair of the Kohala ditch.

4 (b) The department of agriculture shall:

5 (1) Develop and implement a comprehensive plan for the
6 routine maintenance of the Kohala ditch. The plan
7 shall:

8 (A) Include a schedule for regular inspections,
9 necessary repairs, and upgrades to follow best
10 practices and standards for safety and
11 efficiency; and

12 (B) Be developed in collaboration with the
13 surrounding community and relevant agencies and
14 stakeholders, including farmers, ranchers,
15 businesses, and other users of the Kohala ditch;
16 and

17 (2) Submit an annual report to the legislature detailing
18 maintenance and repairs to the Kohala ditch, and
19 related expenditures. The report shall include an
20 assessment of the current condition of the Kohala
21 ditch, a summary of completed maintenance activities,



1 and recommendations for any further improvements. The
2 report shall be submitted to the legislature no later
3 than twenty days prior to the convening of each
4 regular session."

5 SECTION 3. The department of agriculture, in collaboration
6 with relevant agencies and stakeholders, shall develop a
7 comprehensive plan for the refurbishment of the Kohala ditch.
8 The plan shall include an assessment of the current condition of
9 the ditch, a summary of improvements and repairs to be made, and
10 a breakdown of costs for the refurbishment.

11 The department shall submit a report of its findings and
12 recommendations, including any proposed legislation, to the
13 legislature no later than twenty days prior to the convening of
14 the regular session of 2025.

15 SECTION 4. In accordance with section 9 of article VII, of
16 the Constitution of the State of Hawaii and sections 37-91 and
17 37-93, Hawaii Revised Statutes, the legislature has determined
18 that the appropriation contained in this Act will cause the
19 state general fund expenditure ceiling for fiscal year 2024-2025
20 to be exceeded by \$, or per cent. The reason
21 for exceeding the general fund expenditure ceiling is that the



1 appropriation made in this Act is necessary to serve the public
2 interest and to meet the needs provided for by this Act.

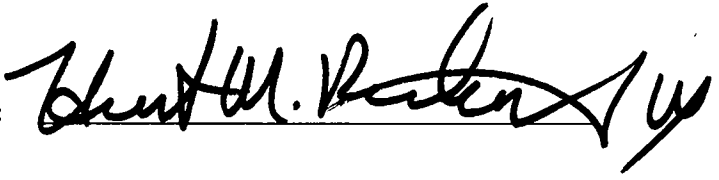
3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2024-2025 to
6 inspect, repair, and maintain the Kohala ditch, including
7 clearing vegetation, repairing leaks, and updating aging
8 components in conformance with the two plans required by
9 sections 2 and 3 of this Act.

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

12 SECTION 6. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2024.

14

INTRODUCED BY: 



S.B. NO. 2803

Report Title:

HDOA; Kohala Ditch; Maintenance; Refurbishment; Report to Legislature; Appropriation; General Fund Expenditure Ceiling Exceeded

Description:

Makes the Department of Agriculture responsible for the routine maintenance of the Kohala ditch. Requires the Department of Agriculture to develop a plan for the refurbishment of the Kohala ditch and submit a report to the Legislature. Appropriates moneys. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025.

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

